

THE
Marsons Bullius
TREATISE OF CICERO,
DE OFFICIIS;

OR, HIS
ESSAY ON MORAL DUTY.

TRANSLATED,
AND ACCOMPANIED WITH NOTES AND OBSERVATIONS,
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THE

TREATISE OF CICERO

1860, Jan. 31.

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(Class of 1814)

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P R E F A C E.

THE following Translation was undertaken, not because the translator had been accustomed either to read or admire the original, more than the other works of the same author; but, because a translation of it, accommodated to the present state of the English language, seemed to be much wanted.

The Notes and Observations are intended for the young and the unlearned only. They are short, as it was deemed necessary to introduce as little as possible of what is to be found in books now everywhere to be met with; and, because the mistakes of our author, on the subject of moral science, though proper to be noticed to the young reader, are yet so very obvious as to need but little discussion. Long disquisitions,
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connected with the various topics which occur in the following work, seemed altogether inconsistent with our design. The learned, in this instance, need neither translation nor notes, nor observations. In the present and advanced state of moral knowledge, the Offices of Cicero can be no otherwise regarded, than as an imperfect or rude monument of antiquity, or recommended as an introductory book well worth the perusal of the young beginner.

The translation itself was intended to be neither quite literal, nor, like many of the most admired translations of the present day, a mere paraphrase. It was proposed to keep as near the original as the English idiom would permit, that the translation might be as fair a representation as possible of the author's sentiments and style. Wherever the original is broken or inelegant, the translation will be found to correspond, in consequence of the principle by which we have been guided.

ESSAY
ON
MORAL DUTY.

BOOK I.

I. MY son Marcus, though, after a year devoted to study under Cratippus, a master of unrivalled eminence, and at Athens, where science may be improved by elegance of manners, you ought to be well acquainted with philosophy in its speculative and practical departments; yet, as I have uniformly found it useful to myself to unite the Roman with the Greek literature, not only in philosophy but in exercises of elocution, you ought, I apprehend, to pursue the same course, that you may acquire equal skill in both kinds of composition

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tion'. In one of them I seem to have given so much aid to my countrymen, that not only they who are unacquainted with Greek learning, but the learned themselves, may think they have gained something for the improvement of their eloquence and their judgement.

Improve therefore under the greatest philosopher of the present age. Improve as long as you find it desirable; and it should continue desirable, till your proficiency is such, that you may not hereafter regret the neglect of your advantages. In perusing my writings, which differ but little from those of the Peripatetics, who, as well as myself, profess themselves followers of Socrates and Plato, think for yourself on every subject: I mean not to restrain you; but your Latin style, be assured, will be enriched by the perusal. Nor let me be understood to have expressed myself so, with a view to the indulgence of my vanity, for to many, I yield the honours of science; but when I assume to myself the province of teaching you the aptness, perspicuity, and elegance of speech, which

which belong to an orator, it is a privilege, which, after spending my life in the study, I claim in some measure with justice to myself. I therefore recommend to you warmly, my dear Cicero, not only the perusal of my orations; but of those books on philosophy also, which have already grown to an equal magnitude. Though, in the former, the language is more spirited and more apt to attract your attention; yet the smooth and simple composition of the latter deserves to be studied⁴.

None of the Greeks have fallen under my observation, who laboured to attain both the style which is adapted to the bar, and that which suits the calmness of scientific discussion. Demetres Phalereus| perhaps may be esteemed an exception⁵. His reasonings are acute, but his eloquence, though so insinuating that you might recognize the disciple of Theophrastus, is destitute of animation⁶. Both kinds of composition I have eagerly studied; but with what success, it must be left to others to determine.

I have been accustomed to think that Plato, had his inclination led him to the practice of public speaking, could have expressed his thoughts with force and with fluency; and that Demosthenes, if he had retained, and chosen to clothe in language, the doctrines he learned from Plato, could have exhibited a monument of elegance and splendour⁷. Of Aristotle and Isocrates, who had a mutual contempt for the favourite studies which engaged each other, I have entertained a similar opinion⁸.

II. AFTER I had resolved to send you some observations upon this occasion, and many more hereafter, it was particularly my wish to begin with such subjects as might best suit your time of life and my character. For though there are many branches of science in themselves manly and useful, accurately and fully discussed by philosophers; yet those treatises on duty which they have delivered to us, seem to be of the most extensive utility. For no department of life, either in public or in private, in
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the forum or amidst domestic concerns, in solitude or in company, can be exempted from its duties; and on the practice or neglect of duty, depends the sole honour or turpitude of the human character.

Duty has been a subject of investigation, common to all men of science. For who, let me ask you, would venture to class himself with philosophers, that had delivered no maxims for the better regulation of conduct? There are some sects however, which, by the method they have proposed of estimating good and evil, pervert the whole system of duty. He who teaches that to be the chief good which hath no connection with virtue, which is measured by personal advantage, and not by honour; if he be consistent with himself, and not sometimes overcome by the benignity of nature, can neither cultivate friendship nor practise justice nor liberality. That man cannot be brave who believes pain the greatest evil; nor temperate, who believes pleasure the supreme good. The refutation of such errors

though easy, is here unnecessary, as they have been fully detected in the course of the discussions into which we have entered elsewhere. These sects, I must again observe, if they would maintain a consistency among themselves, ought never to make mention of duty; for no maxim of duty, well-founded, lasting, and agreeable to nature, can be delivered but by those who hold that virtue is solely or chiefly to be desired for its own sake. It is the privilege of the Stoics, the Academics, the Peripatetics alone, to teach morality; since the doctrines of Aristo, Pyrrho, and Herillus have been already exploded. These licentious moralists might have retained their right to be heard upon morality, had they not, by destroying moral distinctions, shut up every avenue to the discovery of duty.

Upon the subject of investigation we have at present proposed, we mean to follow the Stoics, not as mere translators; but according to our custom, we shall draw from their store, as much as our judgement and inclination may dispose

us, and in the order that may best correspond with our purpose¹⁰.

Since our disquisition is to be wholly confined to the subject of duty, we conceive it proper first to ascertain shortly its meaning and extent. It has been to me matter of surprise, how Panætius came to omit this previous step; for every investigation which is to be prosecuted by argument, ought to set out with a definition, that it may be understood what the object is, on which our reasoning is to be employed¹¹.

III. THE inquiry concerning duty in its utmost extent, comprehends two separate questions. The one tends to determine what is good; the other to ascertain the rules by which the conduct of life may be best regulated. The former teaches in what the perfection of every duty consists, the comparative importance of different duties; and decides upon all questions of the same speculative nature¹². The latter, which we are to explain in the sequel of this

work, though connected with such speculations, has for its main object the conduct of ordinary life¹³.

In deliberating upon an action to be performed, there are three things according to Panætius to be considered. The first respects the honour or the shame, that may result from the action under consideration, and between which the mind is frequently distracted. The second consideration, which resolves itself into a question of utility, is employed in discovering whether the action proposed may contribute, or not, to the convenience and pleasure of life ; or to the attainment of wealth and power, by which both our own, and the condition of our friends may be improved. When virtue and utility oppose one another, a third object of deliberation arises; for when they are at variance, the mind is involved in a double concern, and unable to reflect without distraction.

In this division there is a very great defect ; for two heads are omitted. Of two actions proposed to our choice, we are not only accustomed

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ed to consider which is virtuous and which vicious, but of two that are virtuous, which is the more virtuous. When utility is to determine our choice, after the same manner we give the preference to that which is the more useful. Panætius therefore, instead of three, ought to have divided his subject into five parts.

We propose first to treat of virtue under a twofold distribution; secondly, of utility, under the same distribution; and lastly to institute a comparison between virtue and utility.

IV. NATURE has implanted, in animals of every kind, a disposition to preserve life and health, to avoid injury, and to pursue and procure the means necessary to the prolongation of their being. The passion that unites the sexes, and continues their kind, and an affection for their young to a certain degree, by which the race is preserved, are also common to all animals. But between man and the lower animals, there is in other respects the greatest difference. The latter, guided by the impulse of
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their senses alone, are confined to what is present, or near, with a very slight knowledge of the past or the future. Man however, who partakes of reason, distinguishes the causes and the consequences of events, observes their progress, compares similar circumstances, connects the past with the future, surveys the whole course of life, and makes the necessary provision for its well-being. Nature by the same power of reason attaches man to man, establishes the intercourse of life by speech, begets a peculiar and inexplicable affection to offspring, and impels men to a frequent and voluntary enjoyment of company. Under the influence of these causes, men are prompted to seek supplies of food and of clothing, not only for themselves, but for a wife, and children, and for others whom tenderness and affection may oblige them to protect. And this complicated care, rouses the vigour of the human mind, and communicates an additional force to the exertions of active life.

The desire and the investigation of truth is
proper

proper to man. When disengaged from necessary business and cares, we are eager to add to our knowledge by examining for ourselves or listening to others. The discovery of what is secret or wonderful, we are disposed to conceive essential to happiness. Hence, what is true, simple, and undisguised, is best adapted to human nature¹⁴. With this desire of perceiving truth, there is conjoined an ardent wish for superiority; such, that a spirit well formed by nature, is unwilling to render any other submission than to advice or instruction, or to a just and lawful authority appointed for the public good. This is the foundation of greatness of mind, and of contempt for the world.

Nor is that power of nature and reason small, which has given to man alone, a perception of order and propriety, and a standard by which to regulate his speech and his actions. Of the objects of sense, no other animal is qualified to perceive the beauty, the grace, and the symmetry of parts. But reason enables man to
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make the same application of this perception of external nature to the mind, and to observe that a much higher beauty, harmony, and order, ought to be preserved in designs and in actions, and that unbecoming opinions and dissolute conduct should be wholly avoided. From this constitution of nature arises that virtue we seek for, which, however little distinguished by the world, is still virtue; and which, we maintain it with truth, although none approved, is of itself praiseworthy.

V. SUCH, my son Marcus, is the form and character of virtue; which, according to the opinion of Plato, "if it could be distinguished by the eye, would excite a wonderful love of wisdom."

The whole of virtue consists of one of these four divisions; either in the diligent investigation of truth; or in the support of society, giving every man his due, and maintaining fidelity in contracts; or in the vigour and greatness of an elevated and invincible spirit; or in the order
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and manner of speaking and acting, which moderation and temperance require. These four sources of duty, although they are mixed and connected with one another, yet, from each distinct duties arise. Thus, under the first division, wisdom and prudence are comprehended, which imply the examination and discovery of truth; and of which the duty is such, that he who searches most carefully for the greatest degree of truth on every subject, who with most penetration and readiness can both see and explain the foundation of truth, is usually esteemed, and with justice, the most prudent and wise. The foundation of these virtues therefore is truth.

The obligation of the other three cardinal virtues, lead to the attainment and preservation of those things, which fall within the province of common life. Their object is to maintain the bond of union among men, to give play to the superior exertions of the mind, both in augmenting power and procuring advantages for ourselves and others; as well as in the
much

much greater efforts of despising them all. Order, constancy, moderation, and the virtues of a similar nature, are such as should employ our active powers as well as our reflection; for in the affairs of life, by maintaining a certain order and restraint, virtue and credit are preserved.

VI. OF the four heads into which we have divided virtue, the first, which consists in the knowledge of truth, is very particularly adapted to human nature; for we are all more or less strongly impelled by a desire of information and science. When science rises to eminence we esteem it honourable; but we reckon it both pernicious and shameful to mistake, to err, to be ignorant, or to be deceived. In discharging the duties of this natural branch of virtue, two errors are to be avoided. The one is, that we do not take things unknown for known, and give a rash assent; and he who would avoid this error, as we all ought, should devote sufficient time and diligence to reflection.

tion. The other error is, that some bestow too much study and too great pains upon obscure, difficult, and unnecessary subjects. But the labour and care which are employed on subjects that deserve to be known, justly meet with applause. It is thus that the name of Sulpicius, celebrated for his skill in astronomy, has descended to us; that Sextus Pompeius, known to myself, gained great reputation for geometry; that many have been distinguished for logic; and more for knowledge of the civil law's. All these subjects depend upon the investigation of truth.

To withdraw from active life in pursuit of truth, is a violation of duty. In action the whole praise of virtue consists. Intervals of business however often occur, and frequent occasions are given to return to study. Besides, that activity of mind which never rests, can even without any effort of our own, detain us in exercises of reflection. Every thought, and every movement of a well-regulated mind, are occupied in forming honourable designs upon affairs connected with a good and a happy life;

life; or engaged in the pursuit and acquisition of knowledge.

VII. Of the three remaining heads, that is the most comprehensive, which respects the preservation of society and civil intercourse among men. It consists of two parts; first of justice, in which virtue appears with the greatest splendour, and from which good men receive their appellation; secondly of beneficence, allied to justice, which may be denominated benignity, or liberality¹⁶.

Justice requires first that no man do hurt to another, unless he be provoked to it by previous injury; and next that what is unappropriated should be enjoyed by all, and what is appropriated, by the owner alone. All is free by nature; but they who first came into an uninhabited country, acquired property by occupancy; or in war by victory; or by law, paction, condition, or lot. After this manner nations and tribes came to the exclusive possession of their territory. The distribution of private property

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was made on similar principles. Since, therefore, the personal possessions of every individual, were derived from the common stock of nature, every man should retain what has fallen to his lot. Whoever covets more than this, violates the rights of human society.

But, according to the excellent observation of Plato, "since we were not born for ourselves alone, our country and our friends have separate claims upon us." The produce of the earth, according to the Stoics, is intended wholly for the use of man; but men were designed for the service of men, by being made able to communicate reciprocal benefits to each other. In this view we ought to follow nature as our guide; and, by the exchange of services, by giving and receiving, to bring forward general advantages for the common good. We ought, by knowledge, industry, and wealth, to bind closer the society of men with men.

The foundation of justice is fidelity, which consists of uniformity and truth in words and in

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contracts.

contracts⁶. There are two kinds of injustice : Of the one, they are guilty who do an injury ; of the other, they who, if they be able, do not defend those from injury to whom it is offered. For he who urged on by anger, or some violent passion, attempts to injure any man, lifts his hand against his brother ; and he who interferes not to resist or repel the attempt, is as guilty as if he had deserted his parents, his friends, or his country. But those injuries which are offered with an intention to hurt, often proceed from fear ; when he who meditates injury to another, is afraid that unless he shall commit it, he himself may suffer some disadvantage. The greater part of men attempt injustice, that they may obtain what they covet. Of this vice avarice is most extensively productive.

VIII. RICHES are desired, both for the attainment of the necessities of life and the enjoyment of pleasure. Among men of a more elevated mind the desire of wealth tends to the acquisition

acquisition of power, and to the ability of bestowing favours. It was thus, that M. Crassus, lately affirmed, that no man who wished to be the first in a state, possessed sufficient fortune, who could not support an army by its revenue¹⁷. External magnificence, an elegant and rich mode of living, afford such durable and increasing delight, that the desire of wealth becomes boundless. The enlargement of fortune is blameless, while no man suffers by its increase; but injury is forever to be avoided. Most men, however, have been seduced into the neglect of justice, when seized with a fondness for empire, honour, or glory. The sentiment of Ennius, "that there is no sacred union nor faith among men in power," may be extended wider¹⁸. For whatever it be, in which a few only can rise to eminence, in that the struggle is commonly so keen, as to render the preservation of inviolable intercourse extremely difficult. This consequence has been lately manifested, in the temerity of C. Cæsar, who subverted every right, divine and human, for that

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dominion

dominion after which his mistaken imagination had prompted him to aspire¹⁹. It is painful to remark, that, in the greatest minds, and with the most splendid talents, such ambition for honour, empire, glory, and power, usually dwells. The more, therefore, ought superior minds to beware lest they fall into crimes of this ruinous and fatal nature.

In every act of injustice, there is a wide difference, between injuries done from some violent passion, which is generally of short duration, and such as have been the result of meditated and deliberate malignity. Those which accidentally arise from some sudden emotion of the mind, are lighter than such as are offered from cool and previous intention.—On the subject of offering injuries, it may be sufficient to have said so much.

IX. MANY causes are usually alleged for neglecting the defence of others, and deserting our duty. Some are unwilling to expose themselves to enmity, labour, or expence; some are
negligent

negligent, cowardly, or inactive; others are so embarrassed with their own pursuits and particular occupations, that they suffer those to be forsaken whom they ought to protect. It deserves to be considered, whether the observation, which Plato has applied to philosophers, be well founded; " Since, says he, they are
" engaged in the investigation of truth, and
" since they hold those things useless and contemptible which most men ardently desire,
" and for which they violently contend; they
" are therefore just." While they practise one branch of justice, however, which forbids their offering injury to any, they fall into the violation of another. Confined by study, they abandon those whom they ought to defend. It is accordingly supposed, that they would not take an active part in the state, unless they were forced to it by constraint. This, however, it were better to do from inclination; for what is right, is just so far only as it is voluntary.

There are men also who, from attention to their own fortunes, or from some dislike to

the world, say that they interest themselves in their own affairs only, that they may avoid the appearance of doing injury to others. From one kind of injustice they are free ; of another they are guilty. For they desert the intercourse of life ; because they contribute to its support no part of their attention, of their industry, or of their riches.

Since, therefore, to the two kinds of injustice stated, we have subjoined the causes of each, and offered formerly such observations as explained the extent of justice, we shall be able easily to determine what our duty in every case should be, unless we are partial to ourselves in the extreme. Notwithstanding, the just sentiment of Chremes, in the play, who “ thinks no human interest foreign to himself ;” yet a due regard to the affairs of others, is difficult to be maintained²⁰. For, since we observe and feel the adverse, or prosperous events, which befall ourselves, more deeply than those which befall others, and which we see at a great distance ; our judgement, in the two cases, is
accordingly

accordingly very different. Well therefore do they advise, who forbid every action, the justice of which appears doubtful; for equity is clear of itself, and hesitation marks a purpose of injury.

X. OCCASIONS frequently occur, on which those actions that seem perfectly worthy of a just and a good man, change, and become of a contrary nature. Thus, to refuse the restoration of a deposit, or the performance of a promise, to avoid the discharge of obligations connected with truth and fidelity, may sometimes be consistent with equity". For a regard ought to be paid to those fundamental principles of justice, we formerly laid down; 1st, That no man should be injured; 2^d, That the common interest should be promoted. In these cases duty varies with circumstances, for some promise or contract may occur, such that the performance would be hurtful to him to whom the promise was made, or to him who made it. Thus, as in the play,

had Neptune not performed what he promised to Theseus, the latter would not have been deprived of his son Hippolitus; for of three wishes, as it is recorded, this was the third, that Hippolitus, who had provoked his father, might suffer death for the offence²². The attainment of his wish threw the father into the severest affliction. Promises then are not to be kept which are pernicious to those to whom they are made; nor if they should injure you, more than profit him to whom you made them, is it contrary to duty that a greater be preferred to an inferior obligation. Thus, should you agree to appear for the defence of another in a cause depending at law, and in the meantime your son happened to be taken ill, it would be no violation of duty to neglect your promise; and he to whom the promise was made, would depart more from his duty, if he should complain that he was deserted. Who does not see that no man ought to abide by the promises he has made, when forced by fear, or deceived by fraud. Cases of this kind,

kind, are usually made void by the Prætors edict, and sometimes by the laws. Injustice is often done by artful evasions, and from a too shrewd, but malicious interpretation of the laws. Hence the proverb, "the strictest justice is the greatest injury," has become quite familiar in conversation. Many transgressions of the same kind have happened in the course of public transactions. Thus Cleomenes, who had made a truce of thirty days with the enemy, plundered their fields in the night, because it was a truce of *days*, not of *nights*³³. Nor ought the conduct of our countryman, Q. Fabius Labeo, or some other person, to be approved, who as we are told, for I have no better evidence than report, on being made arbiter by the senate in a question of territory, between the inhabitants of Nola and Naples, and on coming to the place, conversed with each party by themselves, and requested them not to treat with eagerness or avidity, but to abate rather than to increase their demands. After each had acceded to his proposal, a considerable extent
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of territory was left between them. He settled their boundaries as they themselves had agreed to fix them, and what remained between, he adjudged to the Roman people²⁴. This was to deceive, not to judge; a conduct in every similar transaction to be condemned, and avoided.

XI. THERE are certain duties to be observed, even towards those by whom we have been injured; for vengeance and punishment have limits; and perhaps it may be sufficient that he who has wronged us should repent of the injury, that he may not himself afterwards repeat a similar offence, and that others may be deterred from injustice.

In a state, the rights of war are to be strictly observed. There are two kinds of contention; the one by reason, and the other by force; the former peculiar to man, the latter to the lower animals. Recourse must be had to the last, if the first cannot be used with safety. War is to be undertaken, that peace may be enjoyed

enjoyed secure from injustice. When victory is obtained, they are to be preserved who have not been cruel or savage in war. Our forefathers, on this principle, received the other nations of Italy into their state ; but Carthage and Numantia, they levelled with the ground²⁵. With pain I add Corinth to the number ; which was destroyed, I believe with a view to prevent the future inducement to war, which its convenient situation might encourage²⁶. In my judgement, peace, secure from every treacherous design, ought to be the constant object of public measures ; and had my views been followed, instead of a state now in ruins, we might have had some, though not the best form of public administration²⁷.

The interest of those who have been subdued by force ought to be consulted ; and they who, having laid down their arms, flee to the protection of a general, ought to be received, though the battering ram has assailed their walls. To so high a degree has justice been cultivated, in this respect, among our ancestors, that

that those who received under their protection cities, or nations conquered in war, became their patrons, according to the prevailing custom of the times.

The equity of war is prescribed by the most sacred authority, in the law of the Roman *Feciales*; from which we may learn, that no war is just but what is carried on to obtain restitution, and denounced by formal declaration²⁸. While *Popillius* commanded in one of the provinces, *Cato's* son, then young, happened to serve in his army. It appeared proper to *Popillius* to disband one of his legions, and along with it *Cato's* son, who was an officer in that legion. But the love of a military life having induced the youth to remain afterwards with the army, his father wrote to *Popillius*, requesting that a second oath might be administered to his son, if he allowed him to remain; because the former having become void, he could not in justice fight with an enemy²⁹. So strict in those days was the observation of the laws of war.

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There is extant a letter of the elder Cato to his son Marcus, in which he tells him, that he had heard of his being disbanded, during his service in the Persian war in Macedonia ; and advises him to avoid battle, affirming that it could not be lawful for him who was not a soldier to engage with an enemy³⁰.

XII. It is worth observation, that he who was properly *perduellis*, i. e. *a stubborn enemy*, was by a softer name denominated *hostis*, i. e. *an enemy* ; for *hostis* among our ancestors had the same signification, which we now affix to *peregrinus*, i. e. *a stranger*³¹. What addition could be made to this species of mildness, which distinguished him who might happen to be at war with us, by so gentle an appellation ? Time however has rendered the name harsher, by withdrawing the idea of *stranger*, and leaving that only of a man *who bears arms against another*.

When war arises from a competition for empire, or a thirst of glory, it ought to rest wholly

wholly upon the just grounds which I have recently explained. In this case, however, parties ought to contend with less animosity; for in war, as in contentions among fellow-citizens, with an enemy, it is a combat for life and reputation; with a rival, for distinction and rank. With the Celtiberians and Cimbrians, war was waged as with implacable enemies; and the issue on either side was not to be command, but existence as a people³². With the Latins, Sabines, Samnites, Carthaginians, and Pyrrhus, enlargement of empire was the ultimate object of war³³. The Carthaginians were faithless, Hannibal cruel, but the rest of our foes were more just³⁴.

That is an illustrious speech which Pyrrhus made, on delivering up the Roman captives: "I neither," says he, "demand gold, nor shall you give me a ransom. We do not make war for traffic. Let us decide our fate by the sword, not with gold. Let us try by courage whether sovereign fortune may decree you or me to reign, or what she
" may

" may bring. Hear my purpose ; I am resolv-
" ed to spare the liberty of those brave men
" whom the chance of war has spared. I give
" them freely ; conduct them away ; I give
" them with the consent of the great Gods."

—A speech worthy of a prince descended
from the race of the *Æacidæ*³⁵.

XIII. INDIVIDUALS, ought to preserve their fidelity, when induced by circumstances, they happen to make promises to an enemy. An example of this kind we have in the first Punic war, when Regulus, being taken by the Carthaginians, was sent to Rome to propose an exchange of prisoners, after he had bound himself by an oath to return. As soon as he arrived, he opposed the exchange of captives in the senate ; and when his relations and friends, afterwards, would have detained him, he chose rather to return to punishment, than to violate his obligation to an enemy. In the second Punic war, after the battle of Cannæ, Hannibal sent to Rome ten men bound by an oath that

that they should return, unless they prevailed with their countrymen to redeem their captives. One of them, after he had left the camp by Hannibal's permission, returned soon after under the pretence that something had escaped his memory. He departed again, supposing himself discharged from the obligation of his oath ; but he was absolved in words not in reality. This man who had culpably tried to evade his oath, together with all the prisoners who had violated theirs, was degraded by the Censors, and dishonoured for life. In obligations of faith, it is the meaning always, not the words that are to be considered.

But the greatest example of justice to an enemy was given by our ancestors, when a deserter from Pyrrhus offered to the senate, to despatch his sovereign by poison. The senate and Fabricius gave up the deserter to Pyrrhus. They did not approve of the death even of a powerful adversary, voluntarily waging war, which could not be accomplished without a crime.

crime.—Let these observations suffice on the duties required in war.

We should also remember that justice is to be maintained in our intercourse with men of the meanest rank. It is an excellent rule, which they give, who require that slaves, whose condition is the lowest, should be treated like hired servants; that their labour should be required, and wages given.

Injury therefore may be done in two ways, either by fraud, or by violence; the one forms the character of the fox, the other of the lion; both perfectly foreign to the nature of man; but fraud is the more odious of the two. No act of injustice is more pernicious than theirs, who while they are attempting the greatest deceit, labour to appear good men.—This is sufficient on the subject of justice.

XIV. As we had next proposed, we come to treat of beneficence and liberality; which, though fully adapted to human nature, are

to be restrained by many limitations. One requires that those very persons whom we mean to oblige, as well as others, may not be both hurt by our benefits; another that our bounty do not exceed our fortune; and a third that it be proportioned to what individuals may deserve. All these limitations are to be referred to justice, in which they are founded. For they who oblige, by bestowing what hurts the person obliged, are not beneficent nor liberal, but to be condemned for a soothing and pernicious compliance; and they who injure one that they may be liberal to another, are guilty of the same injustice, as if they converted the property of others to their own use. Besides, there are many, who, ambitious of show and distinction, snatch from one what they bestow upon another; and think that they discover their beneficence towards their friends, if they can by any means enrich them. But this conduct is so remote from duty, that nothing can be more contrary to its principles. We ought to practise that liberality which profits

profits friends, and hurts no man. The transference of money, therefore, made by L. Sylla and C. Cæsar, from the just owners to strangers, ought not to appear liberal; for nothing can be liberal that is not just³⁶.

The second limitation requires, that our bounty should not exceed our fortune. They who are disposed to be more beneficent than their circumstances admit, do an injury to their relations. They transfer to strangers that which, with more justice, should occasionally supply kindred, or should be left to them by inheritance. With such liberality there is commonly conjoined a desire of unjust appropriation, to supply the means of a profuse generosity. Besides we may observe, that most men, not so much from a liberal disposition, as led by some show of apparent beneficence, do acts of kindness, which seem to flow more from ostentation than from the heart. This conduct is more allied to vanity than to liberality or honour.

By the third limitation, the degrees of merit

among the objects of beneficence, are to be ascertained; their manners are to be considered; the dispositions they bear towards us; the bonds that unite us to them in the intercourse of life; and their former services. Should all these motives concur to influence our beneficence, it would be desirable; but if they should not, they will have weight in proportion to their number and importance.

XV. SINCE we live not among perfect men of unerring wisdom, but among men with whom it is well if they maintain the external appearance of virtue; I would have even this understood, that no man who discovers any symptom of virtue, ought wholly to be neglected; and that he deserves the greatest attention, who is most adorned with the gentler virtues of modesty, temperance, and with that justice which I have already explained at length. For a brave and great mind in a man not perfectly wise, usually rises to extravagance, while the

the softer virtues seem rather to constitute a good man.

In considering the good will which each man entertains towards us, with a view to this duty, we ought to give most to him in whose affection we stand highest. These affections, however, we are to rate, not like young men, by a certain heat of attachment, but rather by their firmness and constancy. If a favour is not to be conferred, but repaid, greater care will be requisite; for there is no duty of a more necessary obligation than returning a kindness. If Hesiod enjoin us to restore, with interest, what has been lent us, if we be able; what return should we make when induced by a favour? Should we not imitate fertile fields, which produce much more than they have received? For if we do not hesitate to confer a favour upon those by whom we expect hereafter to profit, how ought we to behave to them who have already done us good? Between the two kinds of liberality, there is this difference, that the one, which consists in conferring a

benefit, is within our own power, whether we shall or shall not confer it; but the other, which consists in repaying a benefit, no good man, provided he is able to repay, can justly withhold. A distinction is also to be made between benefits received.—There is no doubt but the greatest obligation arises from the greatest benefit; and in attending to this, the kind dispositions, or intention with which the benefit was conferred, ought to be particularly weighed. For many, whose affections are stimulated on towards all with some sudden impulse, do kind offices frequently with a certain rashness, and without judgement or moderation. But these acts of kindness are not to be estimated so highly as those which are performed with judgement and deliberation, and from a uniformity of conduct. In bestowing a kindness, or in repaying it, if other things be equal, he who is in greatest need should receive most assistance. The greater part of mankind, however, follow a contrary rule. For the man from whom they expect most, though

though he be in no need, is the chief object of their obliging services.

XVI. THE society of men will be best preserved, if, according to his nearness of relation, every man receive the greatest share of our beneficence. The natural principles of union and of human society, with this view, we proceed to trace to its origin. The first object that presents itself, is the society of the whole human race ; of which reason and speech constitute the bond ; and which, by the communication of knowledge, and the employments and habits it produces, forms the mutual attachment of men, and binds them together by some natural union. In no circumstance does our nature differ more from that of the wild animals to which we ascribe courage, as to the horse and the lion ; but we never mention their justice, equity, and goodness, because they are destitute of reason and speech. Society, in its greatest latitude, comprehends the whole of mankind, and its preservation im-

plies that community of goods which nature has produced for the common benefit of men. But that property which has been assigned, by laws and civil institutions, should be possessed as it has been settled; in every other respect, "things are to be common among friends," as it is expressed in the Greek proverb. Whatever is the subject of common privilege, can be discovered in the numerous cases of its variation, by the single instance which Ennius has adduced. According to him, "the man " who kindly points out the way to the wandering traveller, gives light to the lamp of " another, without diminishing by the communication the light of his own." He teaches by this case, that whatever can be lent without loss should be granted even to a stranger. Hence those common maxims, which forbid us to prohibit the use of the passing stream; which require us to permit him who chuses, to kindle his fire from ours; to give honest advice to him who needs it; and to do such offices as are useful to them who receive them,

them, and harmless to the giver. The common stock of nature should, therefore, be open to general use; and something besides should always be contributed to the common good. But since the wealth of individuals is small, and the number of those who need, infinite, general liberality must be confined within the limits which Ennius has defined; that we may have it in our power to be generous to our relations and friends.

XVII. THERE are many degrees of civil intercourse among men. After the union of the whole human race already mentioned, there is the nearer bond of the same tribe, nation, or tongue; by which men are in a high degree connected. A still nearer tie of connection arises from being of the same city: For there are many things common among citizens, the forum, the temples, the porticos, the streets, the laws, privileges, courts of justice, power of voting, besides customs and familiar habits, and many circumstances and considerations by which

which the greater number are reciprocally united with one another. The bond of intercourse among relations is yet closer, including but a small part of the immense society of mankind. By the appointment of nature, the closest union subsists between husband and wife; the next among children, who all form one family, and enjoy a community of goods. Such is the beginning of a city, and the seminary of a state. The relation of brothers follows next, and after that, of first and second cousins; who, when they cannot be contained by the same house, like the formers of a new colony, depart to other habitations. To this separation, marriages and alliances succeed, from which new relations arise; who, following the same course, lay the foundation of civil establishments.

The tie of blood unites men by affection and kindness. It is much to have the same monuments of our ancestors, to practise the same religion, and to be at last laid in the same tomb. But of all the different kinds of intercourse, there is none more excellent, none more

more stable, than that of good men, alike in manners, and united by intimacy. That virtue which we have often mentioned, when it appears in another, attracts our love and creates our friendship for the possessor. Although every virtue allures us to itself, and creates our attachment to those in whom it dwells, yet justice and beneficence produce this effect most completely. Nothing awakens more love, or begets closer union than similitude of manners among good men. They have the same pursuits and the same inclinations; each has the same delight in the other as in himself; and, what Pythagoras thought the perfection of friendship, "of many one individual is formed."

That intercourse is also strong, which is formed by benefits mutually given and received. While they continue reciprocal and grateful, they constitute a very firm bond of union.

But when you survey with attention all the obligations of intercourse, there is none more important

important, none dearer, than that which connects each of us with the state. Parents are dear; children are dear; relations and acquaintance are dear: But our native country alone involves all these ties of affection. What honest man would hesitate to meet death for his country's good? The more detestable, then, is their barbarity, who, by every species of guilt, tear their country to pieces; who are, and have been, occupied in its final destruction.

In ascertaining the preference of duties, should a competition arise, our country and parents are first, because our obligations to them are greatest; the next are children, and a whole family, who look to us alone, and can have no other refuge; the last, relations with whom we are in agreeable habits of life, and with whom we usually share the same fortune. To those, therefore, I have now mentioned, necessary protection is chiefly due; but the ordinary intercourse of life, advice, conversation, encouragement, consolation, and occasional reproof, flourish with perfection in a state of friendship;

friendship; and that friendship is the most delightful which a similarity of manners has formed.

XVIII. IN the discharge of all these duties, it will be necessary to consider, what is most necessary to every man, and what every man without our aid is able, or is not able, to attain.—The order therefore of the different relations we have stated, and that of circumstances, will often not be the same. There may be offices due rather to some than to others. Thus you will at times assist a neighbour in gathering his harvest, sooner than a brother or a friend. But if the case happen to be doubtful, you will support a kinsman and friend in preference to a neighbour³⁷. In every duty then, such considerations ought to be admitted, and it should become a constant exercise and practice to add and subduct circumstances, that we may be able to balance different duties with propriety, that the sum of pure good may be found, and that we may clearly comprehend what is due
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to every individual. As neither physicians, nor generals, nor orators, though they understand the rules of their art, are able to make any attainment that merits great praise, without practice and experience; so it is with those rules which are delivered, as I myself am doing, for the preservation of duty; their magnitude is such, that practice and experience is indispensibly necessary. Enough perhaps has been said, to show how virtue and the corresponding duties are deduced from the circumstances which are founded in the rights of human society.

† We proceed therefore to another of the four divisions of virtue, from which duty flows, and propose to consider that which appears the most splendid of them all, which arises from a great and elevated mind, superior to human affairs.—Defects of this virtue, if any appear, are the first that occur in reproach. Thus the poet; “Young men you have womens hearts
“while that brave woman plays the man;”
or thus, “Salmacis, give spoils—without
“sweat

"sweat or blood³⁸." On the contrary, those exploits which have been performed with bravery or with uncommon greatness of mind, somehow receive extraordinary praise. Hence the common field for rhetoricians are the battles of Marathon, Salamis, Platea, Thermopylæ, and Leuctra; and the characters of our countrymen, Cocles, the Decii, Cnaeus and Publius Scipio, M. Marcellus, and innumerable others³⁹. The Roman people themselves have been highly distinguished for this greatness of mind. The warlike dress which we generally observe sculptured on statues, manifests our zeal for military glory.

XIX. But that elevation of mind, which is discovered in dangers and toils, is vicious, when it is void of justice, and exerted not for common safety but private interest. In this case it is no indication of virtue, but rather of a savage opposition to all humanity. Fortitude, therefore, is well defined by the Stoics, when they maintain that it is the bulwark of equity.

equity. No man, accordingly, who has aspired after the glory of fortitude by treachery or malice, has ever gained its praise ; for no conduct can be honourable which departs from justice. To this same purpose is the excellent remark of Plato, “ that not only science
“ which is remote from justice ought to be
“ denominated cunning rather than wisdom ;
“ but a mind also prepared for danger, if it be
“ impelled by its own passions, and not by the
“ common interest, merits the charge of audacity rather than the honour of fortitude.”

We would have men of courage and magnanimity, to be at the same time plain and good, the friends of truth, and, above all, averse to deceit : A character, the esteem of which is founded in justice.

But it is extremely unpleasant to observe, that, with this elevation and greatness of mind, an obstinate and excessive desire of power, very easily grows up. What Plato remarks of the manners of the Spartans, “ that they
“ were wholly inflamed with a desire of superiority,”

"rriority," may be applied to the character we are describing; for such men, in proportion to the greatness of their talents, are, of all others, eager to become leaders, or rather, to rule alone. It is difficult, while you are desirous to excel all other men, to preserve that equality, which is peculiar to justice. Hence it happens, that the men of whom we are speaking, neither suffer themselves to be overcome in debate, nor overruled by public or lawful rights. They hold their place in the state by bribery and faction, that they may attain supreme power; and would rather be superior by violence, than equal with justice. The more difficult it is to resist this propensity, the more illustrious the resistance; for there is no case, nor occasion, which can ever admit an apology for injustice.

They are, therefore, to be esteemed brave or magnanimous, not who commit, but who repel, an injury. Real greatness of mind, accompanied with wisdom, conceives that to be

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virtue,

virtue, which follows nature chiefly ; which depends upon actions themselves, and not on the applause that may attend them ; which chuses rather to be really good than to appear so. He who hangs upon the mistaken judgment of an unskilful multitude, ought not to be reckoned among the number of great men. He who possesses a high mind, and a fondness for applause, is impelled with greatest facility to acts of injustice. This is a hazardous situation ; for scarcely is there a man to be found, who, by enduring toil and encountering danger, does not court fame as the reward of his labours.

XX. A BRAVE and a great mind, is particularly distinguished by two circumstances ; of which one consists in the contempt of things external ; after a man has been persuaded that, except what is honest and honourable, nothing is worth admiration or desire ; that he ought to yield, neither to man, to perturbation of spirit, nor to fortune. The other
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is that, after your mind is thus disposed, you conduct affairs altogether useful and important, but at the same time extremely arduous, full of labour and danger, both to life and its enjoyments. In the latter of these two circumstances consists all the eminence and splendor, and I may add, the usefulness; in the former, the efficient cause of magnanimity, and a disregard for the world. Your contempt of the world is known by your conceiving that only to be good, which is virtuous, and by a freedom from every perturbation of mind. It is to be thought the privilege of a brave and a great mind, to esteem those things small, which to most men appear great, and to condemn them with a firm and an uniform purpose. It is the property of a vigorous soul, and of great constancy, so to bear the many and various calamities that fall to the lot of man, as to depart in nothing from the state of nature, or from the dignity of wisdom.

It is by no means consistent or reason-

able, that he who cannot be subdued by fear, should be subdued by desire; or that he who has shown himself invincible by labour, should be conquered by pleasure. While this is considered, let the desire of money be avoided; for there is not a greater symptom of a narrow and a little mind, than the love of wealth; nor a more honourable and a nobler test of a great mind, than the contempt of money, which you have not, and its application when you have it, to the purposes of beneficence and liberality. The desire of applause, as has been already observed, ought to be shunned; for it is hostile to liberty, for which the whole struggle of the magnanimous should be maintained. Nor is command always to be coveted; at times it ought rather to be refused or resigned.

We ought to be free from all perturbation of mind, both from desire and fear, and from pain, pleasure, and anger; that there may be peace and security to induce perseverance, and preserve dignity. There are, and there have

have been, many who, to gain this tranquillity, have withdrawn from public business, and fled to retirement. Among this number are the chief and most illustrious of the philosophers, and some grave and rigid men, who could not bear the manners either of the people or their rulers. Some delighted with rural occupations, have retired to their own estates in the country. These men have proposed to themselves the same object with kings, namely, that they may need nothing, that they may be subject to no man, that they may enjoy liberty, of which the leading privilege is to live as you please.

7 XXI. THEY who aspire after power have this in common with those who court retirement, that the former think they are able to attain their object by the possession of a vast fortune; while the other think their object is gained by contentment with the little that is their own. The opinion of neither is open to contempt. The retired life, is both easier

and safer, and less troublesome or offensive to others; while the life of those who apply themselves to affairs of state, and to the management of important business, is more beneficial, and nearer to greatness and lustre.

Their choice, therefore, perhaps admits of apology, who take no part in the state, but devote their extraordinary talents to study; and theirs too, who, disabled by infirmity or ill health, withdraw from public employment, and resign the power and honour to others. But they who have no such motives, who pretend to despise those offices, and that sway which most men admire, in my estimation, are not only to be disapproved, but condemned. In so far, as they disregard or contemn glory, it is difficult to disapprove of their judgement; but they seem to dread labour, and the pains of offence and repulse, as they would dread disgrace or infamy. There are some men, who, in contrary circumstances, maintain too little consistency with themselves; they most rigidly contemn pleasure, but yield

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to pain ; they neglect fame, but are broken by disgrace.

Those men who have received from nature abilities for business, rejecting every motive to delay, ought to procure offices, and rule the state ; for by no other means can either government be maintained, or greatness of mind brought into view. That greatness of soul, and disregard of the world, that serenity and security of mind which I have often mentioned, is no less, or perhaps more, necessary to men in public employments than to philosophers, if they would be free from anxiety, and pass their lives with steadiness and uniformity. This attainment is more easily made by philosophers, because they are less exposed to the assaults of fortune ; they have fewer wants ; and, if adversity should come, it falls not so heavily upon them. It is not without cause that greater commotions of mind are excited, and that greater efforts must be made amidst the employments of state, than in the shades of retirement. The more

necessary therefore, to such men, is greatness of mind, and an exemption from sorrow.

He who comes forward to be active in public affairs, ought to beware lest he dwell on the honour of his employment alone. Let him consider his qualifications for business, that he may neither despair through indolence, nor become too confident through desire. For every department of business, before you enter upon it, diligent preparation ought to be made.

XXII. Most men believe that greater reputation is to be derived from the affairs of war than of peace. This mistaken preference ought to be reduced to its proper level, for many from a desire of glory have often sought occasions for war. This opinion becomes the more dangerous, when we consider that it generally accompanies great minds, and great talents, and is proportioned to the passion of the one, and the fitness of the other, for a military life.

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If we would form our judgement in this case according to truth, we will find that many transactions of peace are of greater importance, and followed by higher reputation, than those of war. Though Themistocles received just praise, and though his name be more illustrious than that of Solon; though Salamis be cited in testimony of a very celebrated victory, and preferred to the council of the Areopagus, which Solon first instituted; yet, we must pronounce the latter no less distinguished than the former. The former served the state once, the latter serves it for ever. By the council of the Areopagus, the Athenians preserve their laws, and the institutions of their ancestors. Themistocles could name no service of his to the Areopagus, but must have acknowledged the assistance of Solon; for the war was conducted by the advice of that assembly⁴⁰.

The same may be said of Pausanias and Lysander, whose achievements, though supposed to have extended the dominion of the Spartans, are not in the least to be compared to the laws
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and discipline established by Lycurgus, that inspired with obedience and bravery the troops which these generals led⁴¹.

When I was young, M. Scaurus did not appear to me inferior to C. Marius; nor after I entered into public employment, did I think Qu. Catulus inferior to Cn. Pompey⁴². Armies abroad avail little, unless there be wisdom at home. Nor did Scipio Africanus, that accomplished man and illustrious general, perform more signal services to the state by the destruction of Numantia, than P. Nasica, a private citizen, when he put Tib. Gracchus to death. This transaction was not only of a domestic, but of a military nature, because it was accomplished by violence. Still, however, it was a measure executed during an interval of peace, and without the aid of an army⁴³.

That line which I understand profligate and invidious men are accustomed to censure, is very much to our present purpose; "Let
" arms give way to peace, the laurel yield to
3 " praise."

"praise⁴⁴." For, not to make mention of others, did not arms give place to peace, while I myself sat at the helm of affairs? Never was the state in greater danger, and never was peace established on better grounds. By the measures I pursued, and the diligence I maintained, arms themselves speedily fell from the hands of the most desperate citizens. What action so great was ever performed in war? What triumph is to be compared with this?—I may be permitted, my son Marcus, thus to boast to you, whose privilege it is to inherit my reputation, and whose duty, to imitate my conduct. Believe me, Cn. Pompey, a man loaded with military honours, did me the justice to say, in the hearing of many, "That he would have gained a third triumph in vain, unless there had remained a place to enjoy it, by my services to the state⁴⁵." The fortitude requisite at home, and in peace, is not inferior to that required in war; and it needs greater labour and application.

XXIII. THAT virtue which we require of a great and elevated spirit, arises from vigour of mind not of body. The body, however, is to be exercised, and so regulated, that it may be able to obey reason and wisdom, in the execution of business, and the patience of toil. Yet still the virtue rests on mental care and reflection, which enables men to be no less useful to the state in peace than in war. Under the influence of prudent counsel, war is sometimes made, frequently avoided, or finished after it has already commenced. The third Punic war was undertaken by the advice of M. Cato, whose authority prevailed even after his death⁴⁶. Skill, therefore, in deciding a difference, is more to be desired than courage in the field; but in the former there is a danger of being guided more by an aversion to war, than by motives of public utility. War should be made with no other view than the attainment of peace.

It is the duty of a brave and a steady man in adversity, not to be disturbed, nor to be
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thrown in agitation from his place; but to retain his presence of mind, his judgement, and his prudence. It is the property of a great and enlightened mind, that has acquired confidence in its own powers, to anticipate the future, to fix in the mind, sometime before, the good or the evil that may happen, to resolve what must be done on either event, and to avoid the necessity of this apology, which comes too late, "that sufficient attention had not been given."

Rashly to come into the field, and engage with an enemy, resembles the act of a savage or a wild beast; but when the necessity of occasions demands it, every man ought to fight, and prefer death to servitude and shame.

XXIV. IN plundering and desolating cities, much care should be taken that no act of rashness or cruelty be committed⁴⁷. The duty of a great man requires him, in such tumultuous situations, to punish the guilty, but to save the
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the people; and, amid all the changes of fortune, to abide by rectitude and honour. As there are men who prefer warlike to peaceable situations, so you will find many to whom hot and dangerous measures appear greater and more splendid than the cool and deliberate. By avoiding danger, we ought never to bring upon ourselves the imputation of weakness or timidity; but we ought at the same time, to avoid the other foolish extreme, of exposing ourselves without a cause. In a state of danger, the practice of physicians ought to be imitated, who to slight complaints apply gentle remedies, but to violent diseases they are obliged to administer dangerous and doubtful cures. In a calm, it is madness to wish for a storm; but it is wisdom, when it comes, by every means to resist its violence; particularly, if more good can be gained in the issue, than there was evil apprehended in the moments of suspense.

Some actions are dangerous, partly to those who undertake them, and partly to the state.

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Some are called to risk their lives, others, their honour, or the good will of their citizens. We ought therefore to be more ready to encounter our own than the common dangers, and to fight for honour and glory than for other advantages⁴⁸. There have been many, however, who were prepared to sacrifice their fortunes and their lives for their country, who yet would not permit the least diminution of their fame, though the exigencies of the state should demand it. Callicratidas the Spartan admiral, in the Peloponnesian war, after he had performed many signal exploits, on this principle, reduced all to extremity by disobedience to their advice, who thought that he should retire from Arginusæ, and avoid an engagement with the Athenians. He answered, " That the Spartans upon the loss of their " fleet, could fit out another ; but that he " could not fly without personal dishonour." The blow which the Lacedemonians received, in consequence of this resolution was not fatal ; but when Cleombrotus, from fear of public odium,

odium, rashly engaged with Epaminondas, he put a period to the Spartan power⁴⁹. How much better did Qu. Maximus behave, of whom Ennius makes this honourable mention ;
“ He alone restored to us our state by delay ;
“ he did not prefer rumour to safety ; there-
“ fore his glory continues to gain additional
“ lustre⁵⁰.” An offence of the same nature with that of which we are speaking, is also to be avoided in civil affairs ; for there are men who from fear of public hatred venture not to give their opinions though ever so good.

XXV. THEY who would take upon them the management of a state, ought to be guided by the two precepts of Plato. The one requires, that they protect the interest of their citizens ; that their whole conduct bear this reference, without ever implying a regard to their own advantage. The second requires, that they protect the whole public body alike, and support no single party to the prejudice of the rest. The charge of the state, like
that

that of a guardian, is to be conducted for the benefit of those who are given in trust, not of those to whom it is entrusted. They, who support one party of their citizens and neglect another, introduce into a state the most pernicious evils, sedition and discord; for it follows, that some aspire after popularity, others become zealous for a party, and but a few consult for the whole. Hence arose prodigious instances of discord among the Athenians; and not only sedition in our own country, but desolating civil wars; which a worthy and a brave citizen, who merits sway in the state, will avoid and abhor. He will give himself up wholly to the service of the state; he will support it alone; he will pursue neither wealth nor power, but employ his labours for the general interest. He will not by calumny expose any man to hatred or envy; he will so closely adhere to justice and honour, that he would meet death rather than desert his principles.

Ambition and the struggles to which it

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gives

gives rise are productive of the greatest misery. On this subject Plato has made an excellent observation, "That they who contend with one another for the administration of public affairs, behave like a ship's crew that should mutiny for the chief management of the helm."—He farther enjoins us, "to account those adversaries, who take up arms against the state; not those, who wish to rule it according to their own judgement." A difference of this kind, unmixed with animosity, subsisted between P. Africanus and Qu. Metellus.

They deserve no attention, who think that anger against an enemy should rise to fury; and maintain it to be the duty of a great and a brave mind. For nothing is more laudable, nothing more worthy of a great and a distinguished man, than placability and clemency. Among a free people, where there is an equality of rights, a mixture of ease and dignity ought to be preserved, that, should we be displeased with those who propose impertinent

tinent questions, or approach us unseasonably, we may not fall into a useless and offensive journey of temper.

The approbation of mildness and clemency ought not to go the length of excluding rigour in exigencies of state; for without rigour it cannot be administered. Reprehension, and punishment of every kind, ought to be free from insult; they should bear a reference not to any personal interest of him who reprimands or punishes, but to the good of the public. Great care too must be taken, that the punishment be not greater than the offence; and that some should not be punished for the same offences, for which others are not called to account. Anger, during the infliction of punishment, is particularly to be restrained; for he who comes to punish in wrath will not observe that moderation which inflicts neither too little nor too much. Moderation is approved by the Peripatetics, and with propriety; had they not commended anger, and held that it was wisely implanted by nature.

Anger however is always to be eradicated; and it were to be wished that the rulers of states resembled the laws, which punish not from motives of anger, but of equity.

XXVI. IN prosperity, when things are flowing on to our wish, we should zealously avoid pride, disdain, and arrogance. To be immoderately affected with adversity or prosperity betrays a feebleness of mind. There is a noble evenness of temper through the whole of life, and an uniform expression on the countenance, which distinguish a wise man; and which we are told Socrates and Lælius constantly maintained. Philip king of Macedonia was surpassed by his son in achievements and military glory, but superior to him in condescension and mildness of manners. The father was always great, Alexander often base in the extreme. Well therefore do they advise, who recommend a behaviour humble in proportion to the elevation of our rank. Panætius tells us, that Africanus his scholar
and

and intimate friend used to say, " That
" as they are accustomed to give away their
" horses, rendered unmanageable by fre-
" quent engagements, to be tamed, with a
" view to their being again more easily
" employed ; so it was necessary that men
" rendered licentious by prosperity, and pre-
" suming upon themselves should be brought
" within the circle of reason and philoso-
" phy, that they might see the imbeci-
" lity of human things and the vicissitudes
" of fortune." In the most prosperous si-
tuations we ought particularly to avail our-
selves of the advice of friends, and to allow
them even more authority than before. At
the same time, much caution is necessary,
lest we open our ears to flatterers and suffer
them to seduce us. Flattery, in this case
becomes an easy deception ; for we then sup-
pose ourselves really to be what the praise we
receive appears justly to make us. Hence in-
numerable instances of misconduct ; when men
blown up with false opinions, are basely ex-

posed to ridicule, and led by the delusion of the most fatal errors.

Upon the whole; public affairs are of highest importance, and those minds the greatest that conduct them, because public administration has the most extensive influence. There are, however, and have been, many men of great minds, even in a retired life, who, employed either with investigations of truth or in some other great attempts, kept themselves within the bounds of their own affairs. Others, of a character between philosophers and those who managed the state, have been delighted with their private fortunes; neither increasing them by all means, nor excluding their neighbours from a participation; rather sharing them with their friends and the state, if they happened to need them. What was first honestly acquired, ought not to be squandered in base and shameful expence; it should be serviceable to as many as possible, provided they are deserving; it should be increased by prudence,

dence, diligence, and œconomy; nor should it be subservient to intemperance, and luxury, rather than to liberality, and beneficence. He who observes these duties may pass through life with honour, steadiness, magnanimity, and even with candour, fidelity, and friendship for mankind.

XXVII. It remains now that we treat of the only remaining branch of virtue, which comprehends modesty, temperance, respect, the government of all the passions, moderation in all things; and which diffuses a beauty over the whole of life.—It comprehends what the Greeks and Romans express by propriety and decorum. Its nature is such, that it cannot be considered apart from virtue in general; because that which is proper is virtuous, and that which is virtuous is proper.

The difference between virtue and propriety, can be more easily conceived than explained. The propriety of conduct, is then apparent, when virtue becomes the ruling principle. Not only in this branch of vir-

tue, which we are here to explain, but in the three former, propriety discovers itself. To use reason and speech with prudence; to perform every action with deliberation; in every thing to observe and abide by the truth, are all proper. On the contrary, to be deceived, to err, to fail, to be misled, are as improper, as voluntary madness or folly. There is a propriety in every act of justice; but injustice is as improper as it is base. The same observation may be applied to fortitude; for whatever is manly and magnanimous, appears proper and dignified; the contrary base and improper. This propriety, therefore, which I mean, is connected with every virtue; and its connection is not obscure but obvious. For in every virtue there is a certain propriety observable, which can be more easily separated in thought than in reality. As the grace and beauty of the person cannot be separated from good health; so that propriety, of which we speak, is wholly incorporated with virtue; though
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the one may be distinguished from the other in imagination.

It consists of a twofold character; of a general propriety, which pervades the whole of virtue; and a particular propriety, which belongs to every single branch of virtue. The first is usually defined to be that propriety which accords with a man's worth, especially in those respects in which he differs from the rest of animated nature. Particular propriety, they define to be, that which is agreeable to nature, accompanied with temperance and moderation, and a certain elegance of manners.

XXVIII. THAT propriety is thus to be understood, may be farther illustrated by the propriety which the poets preserve in the characters they describe; and which, on other occasions, is generally an ample topic of discussion. This propriety they are said to maintain, when the words and the actions correspond with the character they represent. If Æacus
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or Minos should say, " Let them hate me, " provided they fear me ;" or, " Let the parent be the tomb for his children ;" it would appear improper ; because we have heard, that they are just : But if the expressions came from Atreus, applause would be excited ; because they suit our notions of his character. Poets will judge from a character what may be particularly adapted to it ; but nature herself has impressed a character upon us, in excellence greatly surpassing that of the other animals. The poets, therefore, in a great variety of characters, will see what is suitable what proper even to the vicious ; but since the character of constancy, moderation, temperance, respect, has been given us by nature ; and since nature has, at the same time, taught us to be careful how we conduct ourselves towards other men ; it follows, that both the general propriety which belongs to all virtue, and that particular propriety, observable in single virtues, ought to discover themselves in their full extent. For

as personal beauty strikes the eye by the apt conformation of parts, and gives pleasure, because they all correspond with a certain grace; so this propriety, which manifests itself in life, gains the approbation of those with whom we live, by the order, uniformity, and moderation of all our words and actions.

A certain respect is to be paid to all men, both to the good and to the bad. To neglect what others may think of us, affords evidence, not only of an arrogant, but of a very loose conduct. Between justice and respect, there is this difference, that it is the part of justice not to injure; of respect, not to offend. In this the force of propriety is extremely clear.—These illustrations I suppose sufficient to convey the sense which I annex to propriety.

The duty derived from propriety, leads to an agreement with nature, and to its preservation; the pursuit of which will secure us from error. It leads to accurate observation and foresight, to the support of intercourse among men, and to the due regulation of
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the ardent and heroic virtues. But the power of propriety is greatest, over those virtues which we have now mentioned, as being more particularly comprehended under itself. For, not only those corporeal incitements, but much more, those propensities of mind, which are accommodated to nature, ought to meet our approbation. The power of instinct and intelligence is twofold. The one is placed in appetite, which guides men by a blind impulse; the other in reason, which informs and unfolds what ought to be done, and what avoided. Reason comes thus to preside, and appetite to obey.

XXIX. EVERY action should be free from temerity and negligence; nor should any thing be done for which a probable reason cannot be assigned. This is nearly a complete description of duty. The appetites must be brought into subjection to reason. They must neither lead by their vehemence, nor desert

desert by their torpitude or indolence. Let the mind be serene and void of every disorder. From hence, complete constancy, and complete moderation will result. But when the appetites have too far passed their bounds, when they have gone to the extreme of desire or aversion, they are not sufficiently restrained by reason; they unquestionably trespass the limits of moderation. They throw off submission, and rebel against that reason to which the law of nature subjected them. Disorder, not only of mind but of body, is the natural consequence. Mark the very looks of the angry, or of those who are either transported with intemperate desire or fear, or elated with an excess of pleasure; and their countenance, their voice, their motions, and their whole appearance is changed. All this teaches us, keeping in view our description of duty, that the appetites are to be checked and kept within their proper bounds; that attention and diligence ought to be stimulated; that our conduct may not be rash, fortuitous, inconsiderate,

confiderate, or negligent. Nature did not intend us for mirth or amufement, but rather for ferioufnefs and for fome grave, and important purfuits. Jelt and amufement, however, we may indulge, like relaxation and fleep, after we have difcharged ferious and important duties. Mirth ought not to be extravagant or indecent, but graceful and pleafant. As we do not grant to boys, freedom for every kind of play, but only for fuch as is confiftent with virtuous purfuits; fo, in mirth, fome indications of upright difpofitions ought clearly to appear. All mirth is of two kinds; the one illiberal, petulant, fcandalous, obfcene; the other elegant, polite, ingenious, pleafant. Of the latter kind are not only the works of our countryman Plautus, and the old Græek comedy, but numerous examples are to be found in the books of the Socratic philofophers; befides the humourous fayings of many others, fuch as thofe collected by the elder Cato, that pafs under the name of Apothegms. The diftinction, therefore, between
elegant

elegant and illiberal mirth is easily made. The one, if it be well-timed, and the mind disengaged, is worthy of a man of sense and education; the other is worthy of no man; if to the vileness of the subject there be added indecency of expression. Amusement also must be kept within due bounds, that we may not become universally loose, and in the extravagance of pleasure fall into some act of dishonour. The Campus Martius, and the exercises of hunting, afford excellent examples of recreation.

XXX. It is material, in every question of duty, to bear in mind always, how much the nature of man is above that of the inferior animals. They are sensible to nothing but the gratification of appetite, to which they are carried solely by a blind impulse. But the mind of man, nourished by reflection and the acquisition of knowledge, is either employed on inquiries after truth, or on business; and conducted through each by the delight

light of making farther discoveries. Besides, if any man be too much addicted to pleasures, but not wholly sensual, or a man only in name; if he possess any remains of spirit, from shame, he conceals or dissembles his voluptuous appetites. Hence we perceive, that corporeal pleasure does not well become the nature of man, and that it ought to be condemned and rejected. But if there are any who would yield somewhat to pleasure, let them remember, that the limits of its enjoyment are to be diligently guarded. Food and clothing should bear a reference to health and vigour, and not to pleasure. Besides, were we disposed to consider the excellence and dignity of our nature, we should find, how base it is to dissolve in luxury, to pass a soft and effeminate life; and how honourable to live frugal, temperate, serious, and sober.

It is farther to be observed, that nature has endowed us with two characters; of which the one is common, in so far as we are all sharers of reason, and that superiority to the other animals

mals from which virtue and propriety are wholly deduced, and the means of discovering duty supplied. The other is a gift appropriated to each individual: for as the constitutions of men differ greatly from one another; some being distinguished by fleetness in running, others for strength in wrestling; some shapes being remarkable for majesty, others for grace; in like manner there exists a variety in minds, but much more diversified. L. Crassus and L. Philippus were very facetious; Caius, the son of Lucius Cæsar, was still more so, but withal more formal; M. Scaurus and young M. Drusus, contemporaries, were singular for their gravity; C. Lælius was extremely chearful; his friend Scipio, immoderately ambitious and melancholy. Of the Greeks, it is said, that Socrates was agreeable and humorous; that his conversation was well adapted to festivity, and that on all occasions he could assume the language of irony. On the contrary, Pythagoras and Pericles, without any share of chearfulness, gained the greatest influence.

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Hannibal

Hannibal, among the Carthaginians, and our countryman Q. Maximus, are said to have been crafty, qualified to conceal their designs with ease, to keep silence, to dissemble, to take by stratagem, and to anticipate the designs of an enemy. Themistocles, and Jason the Pharean, are distinguished, above all others, for this character by the Greeks. The shrewd and artful conduct of Solon is particularly remarkable, who, for the greater safety of his person and greater benefit to the state, feigned himself mad. There are other men very different from these, plain and open; who think nothing ought to be done in secret, nothing with a view to deceive; who are the friends of truth and the enemies of fraud. There are others also, who would pass through any suffering, or submissively serve any man, to obtain what they desire. Such, within my own knowledge, were Sylla and M. Crassus. Of this character according to history, the most crafty and the most patient, was Lyfander the Spartan; while Callicratidas, who succeeded him

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in the command of the fleet, was a man in the opposite extreme.

In conversation too there are some men, however dignified with power, who can bring themselves to a level with the multitude. Such we remember, was the character of Catulus, both the father and the son; and of Q. Mutius Mancina. I have heard the same said, by the old men, of P. Scipio Nasica; and, on the contrary, that his father, the same who punished the profligate attempts of Tib. Gracchus, possessed no address in conversation. Xenocrates, the most rigid of all the philosophers, for this very quality rose to great distinction. There are numberless other dissimilarities of nature and manners, very far from being objects of reprehension⁵¹.

XXXI. THE character peculiar to every individual, if it be not vicious, ought by all means to be preserved, that the propriety, of which we are treating, may be maintained with greater ease. Our conduct being so re-

gulated, as to imply no opposition to the universal character, we are at liberty to follow that which is peculiar to ourselves. Thus, we may measure our pursuits by the standard of our own nature, although there may be other pursuits more important and desirable; for it is vain to resist nature, and to pursue that which you cannot attain. This marks propriety more distinctly; because nothing, according to the proverb, against the grain, that is, against nature, is consistent with propriety. On the whole; if any thing be proper, nothing can be more so than uniformity in the general course of life, as well as in particular actions, which you cannot preserve, if, by imitating the character of others, you neglect your own. As we ought to use that language, which is known to all of us, and not as some do, render ourselves deservedly ridiculous, by interlarding conversation with Greek words; so should we introduce no inconsistency into single actions, nor into the whole tenor of life³. This difference of character

ter has so great force, that one man may sometimes find it his duty to despatch himself; while, in the same circumstances, another may find that he ought not. Was M. Cato in a situation different from the rest, who delivered themselves up to Cæsar in Africa? Yet the rest would have perhaps incurred blame, if they had put themselves to death; because their lives were less strict, and their manners more pliable. But nature had given to Cato incredible rigour, which he himself had confirmed by perpetual perseverance. He had always adhered to the designs he formed and undertook; and it was better to die, than behold the face of a tyrant⁵³. How much did Ulysses suffer in his long wanderings, when he was a slave to women, if Circe and Calypso are to be called women; and in his whole conversation was disposed to be affable and agreeable to all? At home, too, he bore the insolence and abuse of his servants, that he might reach the object he aimed at⁵⁴. But Ajax, with the temper that is ascribed

to him, would have met death a thousand times, rather than have submitted to such treatment⁵⁵.

These examples will show, that there is a necessity for every man to consider and to regulate his own particular capacity, without any inclination to try how the endowments of others may become him; for that best becomes every individual of which he possesses the greatest share. Let every one, therefore, know his own genius; let him show himself an acute judge of his own perfections and defects, that players may not appear to have more wisdom than we; for they do not chuse the best characters, but such as are most adapted to themselves. They who trust to their voice, act Epigoni and Medus; they who are distinguished for gesture, Menalippa and Clytemnestra; Rutilius, whom I remember, always acted Antiopa; but Æsop seldom performed the character of Ajax⁵⁶. Shall a player, then, distinguish upon the stage what a wise man cannot distinguish in life? We ought therefore

therefore to employ our labour in that chiefly for which we are best fitted. But if necessity should force us upon that which is not suited to our talents, all our care, reflection, and diligence, must be exerted to qualify us for its accomplishment, if not with propriety, at least with as little impropriety as possible. We ought rather to avoid defects, than to aim at that excellence which has not been given us.

XXXII. To these two characters, I have already mentioned, a third is to be added, which chance and time impose; and a fourth, which we impose upon ourselves by our own choice. Kingdoms, empires, nobility, honours, riches, power, and their contraries, depend upon chance, and are governed by time. What character, however, we ourselves may chuse to bear, proceeds from our own will. Of course, some apply themselves to philosophy, some to the civil law, others to eloquence; and in the virtues themselves, some men endeavour to excel in one, and some

in another. Men are usually eager to rise to that particular reputation which distinguished their fathers or ancestors. Thus Q. Mutius, the son of Publius, became eminent in the civil law; and Africanus, the son of Paulus, in military affairs. Some, however, to the honours received from their fathers, add something of their own. Africanus thus conjoined eloquence with warlike glory; and Timotheus, the son of Conon, followed the same course; who, not inferior to his father as a foldier, acquired the praise of genius and learning⁵¹. It happens at times, that some, neglecting the imitation of their forefathers, pursue a plan of their own. And they, for the most part subject themselves to the greatest toil in this way, who, descended from obscure parents, propose great things to themselves⁵². All these circumstances ought to be maturely considered, when we enter upon inquiries concerning the propriety of conduct.

It ought, first, to be determined what rank and employment we wish to hold in life.

life. Of all subjects of reflection, this is the most difficult; for in youth, when there is the greatest imbecility of wisdom, then every man settles that course of life which his passions principally recommend; and is involved in its cares, before his judgement enable him to distinguish the best. Prodicus relates, that Hercules, as it is mentioned by Xenophon, upon arriving at the age of puberty, when, by the appointment of nature, a plan of life must be formed and pursued, went out to a solitary place, and sitting down, after he observed two ways, the one of pleasure, and the other of virtue, hesitated long and seriously with himself which of them it were safer for him to enter⁵⁹.—This might happen to Hercules, a son of Jupiter; but not to us, who imitate whomsoever we please, and who are incited to the imitation of their designs and pursuits. Led by the principles inculcated by parents, we are usually induced to assume their habits, and to imitate their manners. Others are carried away by the judgement of the multitude,

multitude, and eagerly desire that which, to general view, wears the most inviting appearance. Some, however, either from good fortune, from a happy temper, or from the instruction of parents, pursue the right path of life.

XXXIII. Of all others they are very rarely to be met with, who, either possessed of superior genius, or distinguished for erudition, or adorned with both, have had sufficient time to consider what course of life they would wish to adopt. In this determination, every design ought to be referred to the natural powers of the individual; for since, in every action, as already mentioned, we discover the propriety, by attending to the qualities with which a man is born; much more ought these to be considered in settling the whole system of life, that we may be able to be consistent throughout, and blameless in every duty. Since nature, in this, possesses the chief power, and fortune, the next; a regard must be paid

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to both in the choice of a profession. Nature, however, is chiefly to be consulted, because it is the more stable and lasting of the two. The opposition of nature to fortune, resembles the struggle of a mortal with an immortal being^{oo}.

He, who has established his whole plan of life, suitable to his own nature uncorrupted, ought to persevere; unless, perhaps, he come to learn that he has erred in his choice. Should this happen, and it is possible that it may, a change of employment and manners ought to be made. If circumstances permit such a change, it will be accomplished with more ease and convenience; but if not, it must be gradually effected. It is thus wise men think that the friendship, of which the pleasure and the esteem are declining, ought to be dissolved by degrees, rather than suddenly broken off. Upon changing a course of life, it ought, by all means, to be made appear, that it has been done with a good design.

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To the duty of imitating our ancestors, already mentioned, there are two exceptions; one of which prohibits the imitation of their vices; the other requires, that, if nature can not bear it, no imitation should be attempted. Thus the son of the elder Africanus, who adopted the younger, the son of Paulus, could not, from his sickly constitution, resemble his father, so much as his father did his grandfather. Though a man happen not to be able to plead causes, to harangue the people, or to lead an army; yet, he will find himself obliged to discharge the duties within his power, justice, fidelity, liberality, modesty, temperance; that the want of those abilities which he does not possess, may be the less regretted. The best inheritance left by a father to his children, superior to every other patrimony, is the honour of a virtuous conduct, and the glory of his public transactions. And it is base and criminal by an unworthy conduct, to bring disgrace upon a father's reputation.

XXXIV. SINCE the same duties belong not to the different periods of life, some being proper to the young, others to the old, we shall make a few observations upon this distinction. It is the duty of the young to reverence the old, and from them to chuse the best and most approved, on whose judgement and advice they may depend; for, the unskilfulness of youth is to be corrected and governed by the wisdom of age. That time of life ought to be particularly guarded from intemperate passions; ought to be inured to labour, and to bear fatigues both of mind and of body; that their industry may acquire vigour for the duties both of peace and of war. When they are disposed to relax their minds, and to resign themselves to pleasure, let them beware of excess; let them remember the restraints of modesty. This will be the more easily accomplished, if on such occasions they chuse the company of the aged.—It is the duty of the old to diminish the labours of the body, but to increase

crease the exercises of the mind. They must endeavour to lend their aid to their friends and to youth; especially, to the state, by their wisdom and counsel. There is not a more necessary caution for age than that it should not be resigned to languor and sloth. Luxury in every period of life is dishonourable; in old age it is most shameful. But, if to this be added the intemperance of passion, the evil is double; for not only is age then exposed to disgrace, but the excesses of the young rendered more shameless.

It does not here seem foreign to our purpose, to mention the duties of magistrates, private citizens, and strangers. It is the duty of a magistrate, to understand that he represents the state; that he ought to support its dignity and credit, preserve the laws, and execute justice; and to remember that these are committed to him in trust. A private man ought to live upon an equality with his fellow-citizens, neither in abject submission, nor with intolerable presumption; and to manifest a
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'desire of seeing tranquillity and virtue prevail in the state. Such a man we are accustomed to think and declare a good citizen. It is the duty of a stranger and a sojourner, to mind nothing but his own affairs; not to intermeddle with those of others; and least of all, to indulge his curiosity in the concerns of a foreign state.—Thus will duties generally be found, when it is enquired what is proper, what is suited to every character, situation, and age. And nothing is so becoming as constancy maintained in forming resolutions and conducting affairs.

XXXV. LET us next make a few observations on that propriety which is observable in all our words and actions, even in the movement and position of the body. It consists of three particulars, the beauty, order, and grace adapted to action, which it is difficult to express; but it will be sufficient if they are understood. They imply that concern which we entertain for the approbation
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of those with whom the different circumstances of life may connect us.—We may begin with remarking, that nature seems to have paid much attention to the structure of our bodies. Those parts are in view, of which the appearance is agreeable, but those intended for the necessities of nature, and of which the appearance is offensive, are covered and concealed. With this careful structure of nature, the modesty of men corresponds; for the parts which nature has concealed, all men who have the use of their reason, cover from the eye, and endeavour with the utmost secrecy to comply with their necessities. What it is not shameful to do provided it be secret, that it is indecent to express. Those things, therefore, cannot be done without petulance, nor mentioned with decency.

Neither the Cynics, nor such of the Stoics as nearly agree with them, merit attention, who make those things the subject of censure or ridicule, which we think it not improper to

to do, but indecent to express. For other things, say they, which are base, we call by their proper names. To rob, to deceive, to commit adultery, though in themselves base, are mentioned without indecency. And many other things to the like purpose, and in subversion of modesty, are urged with the same spirit of controversy.

But let us follow nature, and avoid mentioning whatever it is indecent to see or to hear. Let the same propriety regulate the posture of our bodies, our walking, sitting, reclining at table, the expression of the countenance and of the eyes, and the motion of the hands. In these respects, two extremes are particularly to be avoided, both that which is effeminate or soft, and that which is clownish or rude. Nor ought we to be inferior to players and orators, and think that the propriety which suits them may be neglected by us. So great is the delicacy, which the antient practice of the stage requires, that no actor comes forward without a girdle, lest any

part should be accidentally uncovered, and improperly exposed to view. According to our custom, sons arrived at the age of puberty do not bathe with their fathers, nor married men with their fathers-in-law. This species of modesty is therefore to be preserved; especially as it is recommended, and taught by nature herself.

XXXVI. THERE are two kinds of beauty; the one dignified and majestic, the other soft and graceful; the latter to be considered proper to women, the former to men. From this distinction it follows, that every ornament in the external appearance, unworthy of a man, is to be avoided; and that similar improprieties, in the motions and gestures of the body, ought to be shunned. The motions acquired in the exercises of the palæstra are often offensive, and some of the gestures exhibited upon the stage cannot be vindicated from the charge of folly; but,

but, in both, whatever is simple and correct never fails to meet with applause.

The beauty of the countenance must be supported by a good colour; and this colour is to be preserved by exercise. Besides, a regard is to be paid to cleanliness, neither too nice nor slovenly; but remote from rusticity and culpable negligence. The same attention is to be paid to dress; in which, as in most other things, a mediocrity is best. We ought to be careful neither to walk too slow, like men who officiate at a solemnity, nor to hurry on with too great haste, to occasion palpitation, to change the countenance, to distort the features, and to give plain indications of an inconstant temper.

Much greater exertion must be made to keep the movements of the mind in conformity with nature. This object will be gained if we are careful neither to yield to the violence of passion, nor to despondence of spirit, and if the attention be bent upon the preservation of propriety of conduct.—The e-

motions of the mind are of two kinds; the one arises from reflection, the other from appetite. Reflection is chiefly employed in the investigation of truth, appetite impells to action. Our duty, then, is to direct the thoughts to the best objects, and to keep the appetites in subjection to reason.

XXXVII. THE power of speech is great, and of two kinds; the one suited to public debate, the other to conversation. The one is employed in discussions at the bar, in public assemblies, and in the senate; the other in private circles, in casual disputes, in the company of friends, and at table. Rules for the conduct of public debates are given by rhetoricians; but there are none for conversation; though for this purpose, too, perhaps, rules may be given. Where learners are, there masters are to be found; but this subject no man is disposed to study. Every place is crowded with rhetoricians.—The rules for the choice of words, and the structure

ture of sentences given by masters of eloquence, will be found applicable to conversation.

The human voice, the vehicle of speech, possesses the qualities of being clear and sweet, which deserve our attention. Both are unquestionably derived from nature; yet the one may be improved by exercise, and the other by the imitation of distinct and smooth speakers. To no other cause did the Catuli owe their reputation for exquisite taste in language⁶². They were learned, it is true; but so also were others; yet were they accounted the most accomplished masters of the Roman language. The sound of their voices was sweet; their pronunciation neither too loud nor too low; and nothing was obscure or offensive. Their tone was neither forced, nor languid, nor shrill. The eloquence of L. Crassus was richer, and no less distinguished for humour; yet the reputation of the Catuli as speakers was not inferior⁶³. In wit and humour, Cæsar, the brother of the elder Catulus, was so far

superior to all men, that, in his familiar pleadings in the forum, he surpassed their most eloquent efforts⁶⁴.

In all these respects we must labour diligently, if we would discover the point of propriety in every instance. Let ordinary conversation, in which the followers of Socrates particularly excelled, be gentle, unassuming, and sprightly⁶⁵. Let no man claim an exclusive privilege, as if he came to a possession entirely his own. As in other things, so in common conversation, let it not be supposed that interchanges are unfair. Let a man be particularly attentive to the nature of the subjects on which he converses. If they be serious, let him be grave; if jocose, chearful. Particular care is farther to be taken, that our conversation betray no vicious bias of conduct. This most commonly happens when the absent, on purpose, are made the subject of conversation, with a view to expose them to detraction, to ridicule, or severity, to abuse, or reproach, Of conversation
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tion the subjects usually are ; domestic affairs, public transactions, learning, and the prosecution of the arts. If therefore, it should happen to wander upon other subjects, the attention is to be recalled. But whatever topics present themselves, as all are not equally entertained with the same subjects on every occasion, we ought to observe how far our conversation gives pleasure: And as there should be circumstances in which it is proper to begin, so there is a length beyond which it is improper to proceed.

XXXVIII. As it is enjoined upon the best grounds, to avoid, through the whole of life, the violent emotions of mind that obey not the control of reason ; so a freedom from such emotions should appear in conversation. There should be no symptoms of anger, of immoderate desire, of indolence, of sloth, or of any similar disposition. We ought to be extremely careful to appear to reverence and love those with whom we converse.—It may

sometimes happen to be necessary even to chide, to use a higher tone of voice, and greater acrimony of expression, than upon ordinary occasions. But this we are never to do with an appearance of gratifying our anger. Like physicians who burn and scarify, we should come to this mode of correction, seldom, and with reluctance; and never but from necessity, and when no other remedy can be found. But still, let anger be remote; for under its influence our conduct cannot be upright or deliberate. In general, however, mild reproof may be given; accompanied with force, and even severity, when free from abusive language. And let it be signified in the course of severe correction, that the bitterness of reproof, proceeded from a regard for him to whom it has been given.

It is even right, in those contentions which happen with our greatest enemies, to maintain our composure, and to suppress anger, whatever personal indignities we may hear.

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For whatever is done under the influence of violent emotions, cannot be consistent throughout, nor approved by indifferent spectators. It is indecent, too, for a man to be loud in his own praise, especially when it is false; and, like that of the vaunting soldier in the play, heard with derision⁶⁶.

XXXIX. SINCE, as we certainly intended, we would treat of all the different particulars that fall under this head; we shall take notice of that kind of house which we think suits a man high in rank or in office. The design of a house is use; to which the plan of building ought to be accommodated. A regard, however, is to be paid to convenience and magnificence. Cn. Octavius, the first of that family, who was made consul, received honour, as we are told, from having built an elegant and magnificent house upon the Palatine Hill⁶⁷. This house, which all the world came to see, was supposed to have voted its upstart master into the consulship.

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This, Scaurus having afterwards demolished, made it an addition to his own₆₈. Octavius first brought the consulship into his house; but Scaurus, the son of a man of the highest rank and reputation, in his enlarged edifice, suffered not only a repulse, but disgrace and calamity.

Dignity of character ought to be graced by a house; but from a house it is not wholly to be derived. A master is not to be honoured by a house; but a house by its master. Here, as in other things, a regard is not only to be paid to a man's self, but to others. Thus the house of a man of distinction must be large for the reception of many guests, and for the accommodation of multitudes of every description. But a large house unfrequented is often a disgrace to its master; especially if, under a former possessor, it used to be frequently visited. It is painful to hear from passengers, "Ah, ancient edifice! by how different a master thou
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"art now possessed!" An exclamation that may often and justly be applied in our days.

Beware, if you build, lest you go to the extreme of expence and magnificence. Here even example does much harm; for most men, especially in this case, zealously imitate the practice of the great. Who imitates the virtues of that illustrious man, L. Lucullus⁶⁹! But how many copy the magnificence of his villas! Here, however, restraint ought certainly to be applied; and men are to be reminded of that moderation which should guide the whole conduct of life.— And so much may suffice upon this subject.

In the performance of every action, three things are to be observed: 1st, That appetite obey reason; for nothing is more necessary to the discharge of duty: 2d, That a proper estimate be made of what we mean to perform; that neither more nor less care and labour be employed than the case may demand: 3d, That we be careful that whatever respects the external appearance, and
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the dignity of superior rank, should be moderate. But the best restraint is, to observe that propriety of which we have already spoken, and never to exceed its limits. Of these three rules, the most excellent is that which requires the subjection of appetite to reason.

XL. IN the next place, we are to treat of the order and the time in which every thing ought to be done. For this part of propriety the Greeks have a particular term, for which we have none equivalent in the Roman languageⁿ. This duty, which we may denominate Moderation, is defined by the Stoics to be the knowledge of those things which ought to be done, or spoken in their proper place. The signification of order and of place seem thus to be the same; for order, they define the arrangement of things in fit and convenient places; but the place of action they call the fitness of time. The proper time of acting the Greeks and Romans express by
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single terms. Of consequence, moderation as I have now explained it, is the knowledge of the fitness of seasonable occasions for acting. The definition of prudence, which we explained at the beginning of this work, may be considered as the same with this; but here, moderation, and temperance, and similar virtues, are the subjects of investigation. The peculiar properties of prudence were mentioned in their proper place; but of those virtues which make the subject of our present enquiry, and which are connected with modesty, and the approbation of those with whom we live, we are now farther to treat.

Such order, then, is to be maintained, in conduct, that, like a continued discourse, every part of life may correspond with another. It is indecent and extremely faulty, upon a serious subject, to introduce the language of a feast or loose conversation. When Pericles and Sophocles the poet, were colleagues in the prætorship; and when on a certain
occasion

occasion they had met on the business of their office, a beautiful boy happened to pass by; "What a beautiful boy, Pericles!" said the latter. But the former replied, Sophocles, it becomes a prætor to lay a restraint, not only upon his hands but upon his eyes. Sophocles might have made the observation without blame, had he been a spectator at a trial of athletic skill⁷⁰.—So great is the power of place and time; that were a man, about to plead a cause, and upon a journey, or a walk, to meditate with himself; or were he engaged in any other subject with deep reflection, he would not be blamed: But if he behaved in the same manner at a feast, he would be charged with rudeness, from ignorance of what the occasion required. The extreme breaches of decency, however, such as singing in the forum, or any other gross perversion of good manners, easily appear, and do not much need admonitions or rules. Greater attention is requisite to avoid those offences, which seem slight, and which can be

be understood but by few.——As in the case of musical instruments, the discord, though small, can be observed by a skilful musician; so, in life, the chance of inconsistency ought to be avoided; and even with much more care, in proportion to the higher excellence of consistency of actions compared with the harmony of sounds.

XLI. As a delicate musical ear is sensible of the least discord; so we, if disposed to be acute and diligent observers of error, might often, from such as are venial, discover those that are great. From the cast of the eye, from the openness or contraction of the eye-brows, from sadness, from cheerfulness, from laughter, from speaking, from silence, from loudness and lowness of the voice, and from other circumstances of a similar nature, we shall easily judge what is done with propriety, and what is inconsistent with propriety and nature. Here it is useful to form a judgement of the nature of each
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of these particulars, from the conduct of others, that we ourselves may avoid the impropriety which we thus discover; for it happens, by means which I do not pretend to account for, that we observe the faults of others sooner than our own. A master, therefore, corrects his scholar with the greatest ease, when, with a view to his amendment, he mimics the improprieties before him, which he wishes him to shun⁷².

In making a choice where there are grounds for hesitation, it is proper to apply to men of learning or experience, for their opinions upon every subject of duty. Their judgement merits attention, because in general they follow nature⁷³. In this case, it is not only proper to attend to what each of them speaks, but to what he thinks, and to the circumstances on which he has formed his opinion. As painters, statuaries, and even poets, expose their works to public view, that the defects, which the majority point out, may be corrected; as they not only by themselves, but
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with the assistance of others, study to discover what is faulty; so, in the conduct of life, if we avail ourselves of the judgement of others, we shall find very much to be done, or avoided, or changed, or corrected.

Concerning the duties which are regulated by custom and civil institutions, we have no rules to deliver, for these are rules of themselves. If there be aught which Socrates or Aristippus did or expressed, contrary to custom or civil institution, let no man be led into the mistake of believing, that the same licence will be granted to him⁷⁴. These men, by their great and extraordinary merits, obtained this indulgence. But the whole system of the Cynics ought to be rejected; for it is subversive of modesty, without which there can be neither propriety nor virtue⁷⁵.

Those men who have been distinguished for virtuous and great transactions, who are well affected to the state, and who deserve well of it by their past or present conduct, merit no less respect and reverence than those who

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are actually invested with offices or power. Much is due to age. We ought to give place to magistrates. A distinction is to be made between citizens and strangers; and the stranger who comes in a private, is to be distinguished from him who comes in a public capacity. Upon the whole, not to mention every particular, we ought to cherish, secure, and preserve the common correspondence and union of all mankind.

XLII. CONCERNING the arts, and the means of acquiring wealth, which are to be accounted liberal and which mean, the following are the sentiments usually entertained. Those means of gain are in least credit which incur the hatred of mankind; as those of tax-gatherers, and usurers. The arts of all hirelings too, are illiberal and mean, who are paid for their labour, and not for their skill. The wages they receive are the earnest of their servitude. They also are to be considered mean, who buy from merchants
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what they immediately retail. For they gain nothing unless they lie in the extreme; and there cannot be a vice more base than lying⁷⁶. All mechanics are occupied in mean employments. Nor is it possible that any thing liberal can be contained in a workshop⁷⁷. Least of all ought the arts to be esteemed which minister to pleasure. Such, according to Terence, are the arts of fish-mongers, butchers, cooks, and confectioners. To these may be added, if you please, perfumers, dancers, and all those who live by the practice of gaming⁷⁸. But the arts which require a superior degree of skill, and from which arise a higher degree of utility; as medicine, architecture, instruction in liberal arts, are subjects honourable to those with whose rank they correspond. Commerce is mean, if it be inconsiderable; but if it be great and abundant; if it bring largely from every country, and without deceit supply an extensive market, it is an employment not much to be censured. Besides, if satia-

ted, or rather contented with gain, the merchant withdraw from the harbour to his possessions in the country, as he has often come from the deep into the harbour, he seems to merit praise upon the best grounds. Of all employments from which gain is derived, there is none that surpasses agriculture, none more productive, none more delightful, none more worthy of a man of liberal education. But since we have treated this subject largely in the essay entitled *Cato Major*, you may take from it whatever is connected with this place²⁸.

XLIII. IN what manner our duty is derived from the different divisions of virtue, I seem to have sufficiently explained. But between these duties there may often be a comparison and opposition, and it may be necessary to determine between two actions that are virtuous, which is the more virtuous. This head is omitted by Panætius.

Since the whole of virtue flows from four
sources,

sources, of which the one is prudence, the other justice, the third fortitude, and the fourth moderation, these of necessity in the choice of our duty may often happen to be compared. I am of opinion, therefore, that those duties are more adapted to nature, which arise from justice, than those that arise from prudence; and therefore the former are to be preferred to the latter when they come in competition. This may be confirmed by the following argument.—Were the life of a wise man such, that, in the abundance of all things, he could alone, and with the utmost ease, make every thing that merited observation the subject of his study; yet, if his state of solitude were so great, that he could not see a human face, he would become sick of life.

The chief of all the virtues is that wisdom which the Greeks distinguish by a particular name; for Prudence, for which they have a different appellation, is to be understood in another sense. In the latter consists the knowledge of what ought to be desired and avoid-

ed; in the former, that chief wisdom, the knowledge of things divine and human, which comprehends the whole intercourse and relations between gods and men. If this, as it surely is, be the greatest wisdom, of necessity, the duties founded in the social relations are the highest. The knowledge and the study of nature, is in a great measure lame and imperfect, if it bear no relation to active life. This activity is chiefly observed in supporting the interests of mankind; it is intimately allied to the social interests, and ought to be preferred to mere knowledge. This is the sentiment which the best of men exhibit in their conduct. For what man is there so eager in the observation and study of nature, who, though engaged in the most dignified investigations of science, if his country were reduced to a state of danger, and he able to contribute to its defence, would not relinquish, would not throw aside his researches, though he were numbering

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ing the stars, or measuring the world. He will abide by the same conduct where the interest of a parent or a friend is concerned, or while a parent or a friend are in danger. Hence we conclude, that to the pursuits and offices of science, the duties of justice are to be preferred; for they preserve the mutual interests of mankind, which ought to be the highest object of human estimation⁸⁰.

XLIV. THOSE men whose whole life and studies have been devoted to science, have not therefore lost sight of the various interests of men; for by their instruction, many have been rendered better and more useful citizens in a public capacity.

Not to take notice of many other examples, Epaminondas the Theban owed his education to Lyfis the Pythagorean, and Dion of Syracuse to Plato⁸¹. I myself, whatever I have contributed to the public interest, if that can be said to be any thing, came forward to the discharge of my duty, instructed and pre-

pared by the labour of masters. Nor is their teaching limited by the length of their lives, or the decline of their vigour ; to the studious they continue, even after death, to offer their lessons, in the monuments of literature they leave behind them. Nor have they omitted any subject, that refers to the laws, the customs, and the discipline of the state. Thus do these men appear to have devoted their leisure to our advantage. Thus, they who are engaged in the pursuits of erudition and wisdom, contribute in a high degree, by their intelligence and skill, to the benefit of mankind⁸¹.

From this consideration, a copious eloquence, when guided by prudence, is superior even to the most acute understanding alone, because reflection terminates in itself, but eloquence extends to those with whom we are united in social relations. As swarms of bees do not unite, for the sake of forming the honeycomb, but form the honeycomb because they are by nature gregarious ; so men associated by
nature,

nature, upon much higher principles, exhibit their skill in thinking and acting. Knowledge, therefore, if it be not accompanied with that virtue, which consists in the protection of men, that is, in the preservation of social order, seems to be solitary and barren. Greatness of mind, too, disunited from the natural ties of social life, becomes a savage ferocity. It follows, then, that the preservation of civil order, and the common interests of men, is of greater importance than the pursuits of science.

Nor is the observation which some have made, founded in truth:—Because we are unable to attain and to accomplish what nature requires without the aid of others, that therefore a common interest and alliance were formed; but, if all things necessary for food and clothing were supplied by a divine influence, then, every man of genius, laying aside all other employment would devote himself wholly to philosophic researches. This is not the fact, for man would flee from solitude, and seek a companion in his studies; at one time
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he would be disposed to teach, at another to learn; at one time to hear, at another to speak. Every duty, therefore, which tends to support civil intercourse and union among men, is to be preferred to that duty which is limited to erudition or science.

XLV. It may perhaps be farther inquired, whether these duties, founded in the social union, and most adapted to nature, ought also to be constantly preferred to temperance and moderation. I think not; for there are some things partly so shameless, and partly so flagitious, that a wise man would not do them even for the preservation of his country⁸³. Many instances of this kind Posidonius has collected; but some of them are so obscene, and so shocking, that it would be improper even to name them⁸⁴. These things, therefore, no man will do for the sake of the state, nor would the state wish them to be done for its advantage. But it fortunately so happens, that there can be no occasion, on which it is the interest

interest of the state that a wise man should be guilty of any of the offences to which we here allude. It follows, therefore, in the choice of our duty, that the most excellent are these on which civil society depends.

A considerate action is the result of knowledge and prudence; and, of consequence, a deliberate conduct is of more value than skilful reflection.

And so much may suffice upon this subject. This head we have so far opened, that it cannot be difficult in the investigations of duty to see what duties ought to have the preference. Among the social duties, too, there are different degrees in which the superiority of one to another may be understood. Thus, the first are due to the immortal gods; the second to our country; the third to our parents; and lastly, to others in different gradations.

From these reasonings, briefly stated, it may be learned, that men are not only accustomed to doubt what may be virtuous and what vicious,

cious, but also of two virtuous actions proposed, which is the more virtuous. This last head, as we already observed, is omitted by Panætius.—We now proceed to what remains of our subject.

END OF BOOK FIRST.

B O O K II.

I. **H**OW the duties are deduced from probity and all the branches of virtue, I think we have sufficiently explained in the former book. It follows, that we next treat of those which refer to the happiness of human life, to the possession of things convenient for use, to wealth and to influence. The subject of enquiry here, I already mentioned, respects what is useful and what unprofitable; and among things useful, which possess the greater share, or the highest degree of utility. On this subject I shall attempt to speak, after I have first offered a short vindication of my plan of life, and my choice of pursuits. For though, my books have excited among
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many, not only a taste for reading, but for writing; yet I am at times afraid, that the name of philosophy may be hated by some good men, and that they should wonder why I bestow upon it so much leisure and industry. As long as the state was managed by those men, to whom it had been committed by the suffrages of the people, I devoted all my care and reflection to its interest. But when all things fell into the hands of a single usurper; when there was no farther place for advice or for influence; when I had lost men of the greatest eminence who bore a part with me in the support of the state; I neither, on the one hand, resigned myself to sorrow, which if not resisted would have overwhelmed me; nor, on the other, to pleasures unworthy of a man of education. O! that the state had remained in the condition in which it commenced; that it had not fallen into the hands of men, eager, not so much for a change as for a total overthrow! For then my chief object would have been, what

what it usually was while our government existed, to employ my labour in active exertions more than in writing: My next, to commit to paper my pleadings, as I have frequently done, and not such subjects as the present. But since the state, on which I was accustomed to bestow all my care, my thought, and my labour, is completely annihilated; the learned exercises of the forum and of the senate are now buried in silence. As my mind could not be inactive, I thought, if I resorted to philosophy, the study that engaged my youth, my sorrows might be most laudably forgotten.

To philosophy when young I devoted much of my time, with a view to improvement; but after I began to court public honours, and to dedicate myself wholly to the interest of the state, my leisure for its pursuit was only such as I could spare from my friends and public employment. That time, however, was entirely consumed in reading; there was no leisure for writing.

II. AMIDST extreme evils this advantage I seem to have obtained, that I might commit to writing, what was not known to my countrymen, and what best deserved their knowledge. For what is there, in the name of the gods! more desirable than Wisdom? what more excellent, what better for man, what more worthy of him? They, therefore, who pursue it are denominated Philosophers; nor is philosophy aught else, if you wish to explain it, than the love of wisdom. Wisdom, according to the definition of the ancient philosophers, is the knowledge of things divine and human, and of the causes by which these things are regulated; the study of which whoever vilifies, I am at a loss to understand what he shall think worthy of praise. For whether intellectual delight, or repose from care, be the object of desire, what can be compared with their pursuits, who are ever in search of something that tends to form a good and a happy life? Or if constancy and virtue are esteemed, either this is the art, or
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there is none whatever, by which these can be attained. To say that there is no art in things of the greatest consequence, while there is none of the least without it, is the language of men who speak without consideration, and who err in the most important concerns. But if there be any school for virtue, where shall it be found, when ~~you~~ depart from this method of improvement? These considerations, when we recommend the study of philosophy are usually urged more fully, as we have done in a different treatise². Upon this occasion, we thought it our duty, to avow so much of the grounds upon which, when stripped of public employment, we have resorted chiefly to this study.—It is here asked, and that too by learned and experienced men, whether I appear to act with sufficient consistency, who, though I maintain that nothing can be certainly known, yet am accustomed to discuss other subjects, and, on this occasion, to investigate the precepts of duty? To these men I should wish my opinions were sufficient-

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ly known : For I am not of the number of those whose minds wander amidst error without any object to pursue. What mind, or rather what life would that be, when every method, not only of reasoning, but of living, is taken away ? Besides, we differ from the rest of those philosophers, who call some things certain and others uncertain ; and we say, that some things are probable, and others improbable. What therefore should hinder me to follow what appears probable to myself ; to disapprove of the contrary ; and, avoiding the arrogance of assertion, to shun temerity, which is most inconsistent with wisdom. On the other hand, every thing is the subject of dispute with our sect ; because this very probability cannot come to the light, unless there be a comparison of the arguments on both sides. But this subject is, I think, explained with sufficient diligence in my book of the academic questions³. Though, my dear Cicero, you are engaged in the study of a very antient and noble philosophy, under the tuition of Cratippus, who bears a very near resemblance

semblance to its illustrious founders; yet I should be sorry, were those essays of mine which border upon your system, to remain unknown to you.—I proceed now to the subject proposed.

III. WE proposed five heads for the investigation of duty; of which two refer to propriety and virtue, two to the conveniences of life, riches, and influence; the fifth to the power of choice, when at any time there appears an opposition between the things I have mentioned. The part that treats of virtue is finished; and with it I wish you to be perfectly acquainted. The division, which I am now going to discuss, is distinguished by the name of Utility. In this, custom has declined and gradually deviated from the right path, till, separating virtue from utility, it has determined that some things were virtuous that were not useful, and some useful that were not virtuous. Nothing more pernicious than this can be introduced into human life. Philosophers, indeed, of the greatest

authority have, with real strictness and honesty, distinguished in thought, justice, utility, and virtue, though blended in nature; for what is just is also useful, and what is virtuous is also just; and, of consequence, what is virtuous is useful. They who do not understand this sufficiently often admire crafty and cunning men, and mistake knavery for wisdom. This error ought to be eradicated, and every opinion should be understood to center in the hope, that by honest designs and just actions, not by knavery and fraud, men are able to obtain what they desire.

The things pertaining to the support of human life are partly inanimate, as gold, silver, the vegetable productions of the earth, and other things of this kind; partly animate, which have powers and appetites peculiar to themselves. Of these, some are void of reason, others enjoy it. Of the former are horses, cows, and other quadrupeds, and bees, by means of which something is produced for the advantage of human life; of the latter, two are mentioned,

ed, the gods and men. Piety and sanctity gain the favour of the gods; next to the gods men are most useful to men. Of the things likewise which hurt and obstruct, the division is the same. But because it is thought, that the gods do no harm, they become therefore an exception; and philosophers think that men most obstruct the designs of men. Those things we have called inanimate, are most of them the effects of human industry, which we could not have without the addition of art and labour. Nor could we use them without the intervention of men; for neither could there be a cure of diseases, nor navigation, nor agriculture, nor the reaping and preservation of corn, and the other fruits of the ground, without some exertion of human industry.—But besides there could unquestionably be no exportation of the articles in which we abounded, nor importation of such as we want, unless men exercised these employments. For the same reason stones could neither be quarried, nor mines of iron,

of brass, gold, or silver, opened deep in the earth, without human activity and labour.

IV. WHEN could houses at first have been reared for the human race, to resist the extremities of cold, or allay the inconvenience of heat, or afterwards repaired when they had fallen by the force of tempests, by earthquakes or time, unless men had learned to seek assistance by mutual union. Add, the conveyance of water, forming channels for rivers, watering fields, opposing banks to the sea, constructing harbours; whence could we have these without the intervention of human labour? From these and many other examples, the fruits and advantages derived from things inanimate are evident, for we could not obtain them, but by the means already and often mentioned.— Finally, what benefits and what convenience could be reaped from the wild animals, unless men lent their aid; for men were the first to discover the use to which each of them might be applied. Nor, even at this day, without the labour

labour of men could we feed, or tame, or support them, or obtain the seasonable advantages from them. It is men who kill the noxious animals, and take those that are useful— Why should I enumerate the multitude of arts, without which human life could not subsist? What relief could be found for the sick? what pleasure for the sound? what subsistence or comfort? unless so many arts afforded us the means by which human life is improved; and differs so widely from the mode of subsistence and happiness which the lower animals enjoy. Cities, without the social union, could neither have been built nor inhabited. Hence laws and customs were established, the equal limits of justice ascertained, and a settled plan of living adopted. To this succeeded gentleness of disposition and mildness of manners. Life, of consequence, became more secure, and the exchange of benefits, and of the articles of wealth and convenience supplied every want.

V. WE dwell longer than necessary upon this subject. For who is there to whom those things are not obvious, which Panætius has mentioned at great length, that no general in war, nor leader in peace, could have conducted affairs of a great and salutary nature, without the co-operation of men? He mentions as examples, Themistocles, Pericles, Cyrus, Agesilaus, Alexander, who he maintains could not have accomplished so great achievements without the assistance of others. Upon a subject that admits of no doubt, he employs unnecessary evidence.

As we obtain great advantages from the union and consent of men; so there is no evil so detestable which does not arise from one man to another. There is a book of Dicaearchus⁶, an eminent and eloquent Peripatetic, upon the destruction of men; in which, among the causes collected, he assigns inundations, pestilence, famine, the sudden incursion of wild beasts, by which he says whole nations have been destroyed. With these he next institutes

a comparison to show how many more have been destroyed by the violence of men, namely by war or sedition, than by any other calamity.

• Since it admits of no doubt, that men do very great good, or very great harm to men, I lay it down as a property of virtue, to conciliate their affections, and to avail ourselves of the fruits'. Whatever is to be found through inanimate nature, whatever in the management of the wild animals that can be converted to human use, it is the result of laborious arts ; but the affections which are prompt, and prepared for the enlargement of our fortune are excited by distinguished wisdom and virtue. The whole of virtue consists nearly, in this view, of three things ; of which the one is the observation of what is true and unmixed ; what is consistent with every man's character ; what will be the consequence of a particular conduct ; from what principle every thing arises ; and what is the cause of every event. The second consists in the restraint

traint of the turbulent emotions of the mind, and in making the appetites subservient to reason^s.—The third, in treating those with moderation and prudence with whom we associate, and by whose aid we have the supply or the accumulation of what nature requires; by whom if we meet any inconvenience we may repel it, take vengeance upon those who endeavour to hurt us, and inflict that degree of punishment which equity and humanity permit.

VI. By what means we may be able to acquire this power of gaining and preserving the affections of men, we shall soon explain, after having made a few previous observations. Who does not know, that fortune possesses great influence in two ways, either with respect to prosperity or adversity; for when we enjoy its favour, we arrive at the issue we desire; but when it frowns, we are reduced to distress. Some of the events of fortune but seldom occur; storms, tempests, shipwreck, ruin, burning, the stings, bites, or violent attacks

tacks of wild beasts are rare. But the destruction of armies, of which there were three instances lately, and frequent and many other examples; the defeat of generals, like that of a late eminent and extraordinary man; besides the envy of the multitude, and from thence the banishment and the flight of many deserving citizens: On the other hand, prosperity, honours, empire, victories, though all fortuitous, none of them can happen without the power and passions of men.—This, therefore, being understood, let us explain in what manner we may be able to excite or allure the passions of men to our own advantage. Should we dwell longer upon this subject than may seem necessary, let its great use be considered, and then perhaps we shall appear to have been too concise.

Whatever, therefore, one contributes to improve the fortune or the credit of another, it arises either from the motive of benevolence, where there is some ground of affection; or to do him honour when he respects his virtue, and

and thinks him worthy of the amplest fortune ; or reposes trust in him and believes his advice will be useful ; or dreads his influence ; or on the contrary, entertains some expectation, as when kings and favourites of the people promise certain donations ; or lastly, when induced by price or reward, which is the most forbidden and the vilest practice, both in those who are so actuated, and in those who attempt to resort to such an expedient. It is a bad situation, when that is attempted by money, which ought to be done from principles of virtue. But since this refuge is sometimes necessary, we shall mention the method in which it ought to be used, after we have explained other things more connected with virtue. Men subject themselves to the command and the power of others for many reasons. They are led by benevolence, or the magnitude of benefits, or respect for superior dignity, or the hope of future advantage, or the fear of being forced by violence to obey, or allured by expectations and promises of donations ;

tions ; or, lastly, as we often observe in our own state, hired for reward.

VII. OF all means there is none better fitted for supporting and retaining our influence, than to be loved ; or more foreign to it, than to be feared. According to the excellent line of Ennius, “ Whom men fear they hate ; “ and whom they hate they eagerly wish their “ destruction.” The hatred of many no power can resist ; and if this be unknown in former times, it has been fully manifested in a late instance. Nor does the assassination of this tyrant only, whom the state oppressed by arms endured, and to whom after death it renders the most passive obedience, declare how powerfully the hatred of our fellow-citizens tend to our ruin. The end of other tyrants has been similar ; not one of whom almost has escaped a like fate. Fear is a false and a short-lived security, but the love of men is faithful and lasting. Let the rigour of a master over his slaves be applied by those
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who hold men under the empire of oppression; but they who rule by the principle of fear in a free state, practice a system of unparalleled madness. Though the laws be sunk under the power of an individual; though liberty be buried in terror; yet they will arise by the silent determinations of the people, or by their secret choice of men of principle to vindicate their rights. And the inflictions of freedom interrupted, are more rigorous than if it had been retained. Let us therefore embrace that mode of conduct which has the most extensive influence, which contributes most, not only to the safety, but to the increase of wealth and power, and which rests, not upon fear, but upon the continuation of kind affections. —This is the method by which not only in private, but in public, we shall most easily obtain what we desire. For they who desire to become the objects of terror to others, must dread those who regard them with fear. What are we to think of the elder Dionysus, under the torture of the fears with which he was usually

ally harrassed? Who dreading the application of the razor, singed his beard with a live coal¹⁰. What are we to think of the state of mind in which Alexander the Pharean lived, who, as it is recorded, though passionately fond of his wife Thebe, yet, when he retired from table to her bed-chamber, ordered a barbarian, and even a branded Thracian slave, as we are told, to go before him with a naked sword?" He sent some of his guards too before him, who examined the chests of the women, to discover whether they had daggers concealed among their drefs. Miserable man! who could think a barbarian, and a branded slave, more faithful than his wife! He was not mistaken, for she murdered him afterwards on the suspicion of an intrigue.—No power of sway is so great as to be lasting under the pressure of fear. Phalaris, whose cruelty is remarkable above all others, is an evidence upon this subject¹². He did not perish by secret treachery, like Alexander, whom I have now mentioned; nor by a few, like the tyrant of our own country; but

but the whole body of the Agrigentines rushed violently upon him. Did not the Macedonians forsake Demetrius, and to a man pass over to Pyrrhus¹³? Did not their allies, almost with one consent, desert the Lacedemonians, become imperious and unjust, and show themselves unconcerned spectators of the disaster at Leuctra¹⁴?

VIII. UPON such a subject, I record foreign, rather than domestic examples. As long, however, as the Roman empire was supported by kindness and not by injury, wars were carried on in defence of allies, or in support of its government; the issue of war was mild or unavoidable; the senate was the haven and the sanctuary of kings, of tribes, and of nations; and magistrates and rulers were eager to derive the greatest praise from the equitable and faithful defence of our provinces and allies alone. This, therefore, was in truth to be considered as the patronage rather than the empire of the world. This custom

custom and established order of practice began gradually to decline. After the victory of Sylla they were entirely lost; for men ceased to suppose that injustice could be practised upon allies, when so great cruelties arose among fellow-citizens. A virtuous cause therefore was followed by a shameful victory; for he ventured to say, when he brought to public sale in the forum the goods of the worthy, of the rich, and of those who were at least citizens, That he was vending his own booty. He was succeeded by another, who, in an impious cause, and by a more shocking victory, did not set to sale the property of individuals, but included whole regions and provinces under one calamitous condition. After having thus harrassed and ruined foreign nations, in proof of our lost empire, we beheld him triumph over the city of Marseilles, without which our generals never gained a triumph in the wars they carried on beyond the Alps¹⁵. I could mention many nefarious acts of his against our allies, were not the instance I have adduced the most criminal that ever was committed in the face of

the fun. Justly, therefore, do we suffer; for if we had not before permitted the crimes of many to pass unpunished, an individual could never have risen to such a height of licentiousness. He has left few heirs to succeed to his estate; but many profligates to inherit his ambition. Nor, indeed, will the seeds and the causes of civil war be wanting, whilst desperate men shall remember and expect that bloody sale, which Sylla exhibited with triumph in the dictatorship of his kinsman; and which he renewed thirty-six years after with greater outrage and horror¹⁶. And another, who had been a clerk under the former dictatorship, rose to the office of city questor in the latter. Hence it ought to be understood, that while such rewards are in view, civil wars will never cease. The walls of our city, therefore, alone remain entire, and they too now dread crimes that will be fatal to them; but our republic we have wholly lost. Into these calamities have we fallen, (for we must return to our purpose), while we chose rather to be feared, than to be
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the objects of affection and kindness. If these events could happen to the Roman people, when they became oppressive, what ought individuals to think? But since it is evident, that the power of benevolence is great, and of fear feeble; it follows, that we should treat of the means by which we may be able most easily to obtain that love which we desire, consistently with fidelity and honour. But all of us do not equally need it. For it depends upon the plan of life, which each individual pursues, whether it be necessary to have the affections of many, or whether the affections of few be sufficient. This, however, is certain, that to possess the intimacy of affectionate friends, who really esteem us, is a most important and necessary concern. This is almost the only thing in which there is little difference between the highest and the middle ranks; and it ought to be nearly an equal object of pursuit to both. Honour and fame, and the good-will of our citizens, perhaps, we do not all equally need; yet, whoever enjoys them will find them contribute

something to his advantage in other respects, as well as in the attainment of friends.

IX. Of Friendship we have treated in a different book, entitled *LÆLIUS*¹⁷. Let us now consider Fame; though it also makes the subject of other two of my treatises¹⁸. We shall here only touch upon it slightly, since it gives very great support in the administration of important affairs. High and perfect fame consists in three particulars; the love of the multitude; their confidence; and their belief, founded upon a certain degree of admiration, that the objects of it are worthy of honour. These, if we would express ourselves with plainness and brevity, are obtained from the multitude, nearly in the same way, in which they are, from the individual. But there is likewise another, and a particular method of access to the people, by which we may be able to insinuate ourselves into their affections. Of the three particulars mentioned, let us first attend to the maxims by which

which benevolence may be gained. The people are best gained by benefits; next to this, their good-will is excited by kind dispositions; though fortune perhaps do not supply us with the means of beneficence. The love of the multitude is highly influenced by fame itself; by their opinion of our liberality, beneficence, justice, fidelity, and of all the other virtues connected with mildness and ease of manners. For what we have called Virtue and Propriety, because they are of themselves agreeable, awaken the affections of all by their nature and appearance, and discover their lustre in those virtues I have already mentioned. Nature herself, therefore, constrains us to love men in whom we believe such virtues dwell.—These are the most important of the causes from which the love of the people arise, though there may be others less material.—Trust may be obtained by two means, when it is thought we possess prudence and justice conjoined. For we confide in those who we believe possess more intelligence than ourselves, who see farther into

the future, and when in difficulty or danger, can devise the expedients and form the designs which occasions require. This, men consider true and useful prudence. The confidence, however, reposed in faithful and just men, that is, in good men, is such as to exclude every suspicion of fraud and injury. To them we think our safety, our fortune, and our children, may be most wisely committed.—Of the two, justice is the most powerful in producing confidence; because without prudence it possesses sufficient authority; but prudence, without justice, possesses no influence in procuring trust. For the more crafty and cunning a man is, the more is he hated and suspected when the opinion of his probity is impaired. Therefore, justice united with intelligence, will obtain as much trust as you desire; justice without prudence will avail much; prudence without justice will avail nothing.

X. SINCE it is agreed upon among philosophers, and often urged by myself, that he
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who possesses one, possesses all the virtues, and that no man may wonder why I now thus disunite them, as if a man could be just, and not at the same time prudent, let it be observed, that nicety of distinction is one thing, when truth itself is the subject of accurate discussion; and another, when we speak wholly in accomodation to the common opinions of mankind. Here, therefore, I use the same language with the vulgar, when I call some brave, others good, and others prudent. We must use popular and ordinary terms when we speak upon popular opinions; and Panætius himself has set this example.—But let us return to our purpose.

Of the three particulars that refer to fame, this was the third, that along with the admiration of others, we should be judged by them worthy of honour. In general, therefore, men admire all things, which they conceive great and above their comprehension; in particular, when they observe any single excellence which they did not expect. Those men there-

fore they respect and extol with the greatest praise, in whom they think they observe some distinguished and singular virtues ; but they despise and condemn those who they suppose possess no virtue, nor intelligence, nor courage. They do not however condemn all of whom they conceive ill. For those whom they consider wicked, slanderous, fraudulent, and prepared to do injury, they by no means despise, but of them they conceive ill. They, therefore, as I have already mentioned, are condemned, who are useful neither to themselves nor to others, who are capable, neither of industry, fatigue, or care. But they are the objects of admiration, who are thought to surpass others in virtue ; who are both free from every dishonourable imputation, as well as from those vices which others cannot easily resist. For pleasures, those seducing masters, turn the greater number of minds aside from virtue ; and when the violence of pain is applied, most men are alarmed above measure¹⁹. Life, death, riches, poverty, affect all men in the extreme. But they who
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with a great and elevated mind, despise these equally when some extensive and honourable object is in view, convert or force the attention of mankind upon themselves. Then, who does not admire the beauty and the splendor of virtue.

XI. This contempt, therefore, produces great admiration. Justice, from which alone good men receive their appellation, appears the most wonderful to the multitude; and with good reason: For no man can be just, who dreads death, pain, exile, want, or prefers to equity whatsoever is contrary to those. Men admire him most, who is not influenced by money; because such a man, in their opinion, gives evidence that he has undergone the most severe trial^o. Justice, therefore, is the foundation of all those particulars, which we have stated as conducive to fame; of benevolence, which disposes us to do the greatest good; and for that reason, of trust; and of admiration, because it neglects and despises those things, which most men pursue with
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the greatest eagerness and avidity.——In my opinion, every circumstance and system of life, needs human aid; particularly that we should have friends with whom we can familiarly converse; which it is difficult to obtain, unless you maintain the appearance of a good man. Even to a man who passes his life in the country and in retirement, the belief of his justice is necessary; and for this reason the more, that if he be not so esteemed he will be accounted a man of a contrary character; and unprotected, he will be exposed to many injuries. With those, too, who sell or buy, or hire, or let, or who are engaged in trade, justice is necessary to the continuance of these employments. The power of justice is so great, that even they who feed upon mischief and crimes, cannot live without some portion of its influence. For the robber, who commits an act of theft or of violence upon another, is expelled from the society; and he who is captain of the troop, unless he make an equal distribution of the booty, is either deserted or murdered by his associates. Besides,

robbers

robbers are said to have laws; which they observe and obey. In consequence of this, by an equal partition of booty, Bardylis, the Illyrian robber, mentioned by Theopompus, obtained great power; and Viriatus the Lusitanian much more, who defeated our armies and generals; whom the prætor C. Lælius, surnamed the Wise, humbled and crushed, and whose ferocity he so repressed, that he left an easy war to his successors.—Since the power of justice is so great that it confirms and increases the power even of robbers, how great should we suppose its influence to be under the laws and regular administration of a well-constituted government!

XII. Not only among the Medes, according to Herodotus, but even with our ancestors, kings of good moral characters, seem to have been elected by the people that they might enjoy the benefits of justice. For when the needy multitude were oppressed by the rich, they fled to some individual of superior virtue, who both defended the humble from injury, and by equitable

table institutions united the highest and the lowest in equal rights. The establishment of laws arose from the same cause with that of the election of kings. For equal rights have always been the objects of desire, and if they were not equal, they were no longer rights. But since this seldom happened, laws were invented, which spoke to all with one and the same voice. This, therefore, is evident, that those were usually chosen to command, of whose justice the multitude entertained a high opinion. When justice and prudence were thought united in the same individual, there was nothing which men believed they could not obtain under his authority. Justice, therefore, is to be cultivated and preserved by all means, both for its own sake, for otherwise, it is not justice; as well as with a view to the enlargement of honour and fame. Yet, as it is not enough to gain money merely, but to dispose of it, so as to afford a perpetual revenue, not only to supply necessities but the means of beneficence; so, reputation ought to be gained and disposed of after the same manner.

ner: The short and nearest road to fame, according to the excellent observation of Socrates, is to endeavour to be what we wish to be esteemed. But if any suppose, that they can obtain a stable reputation by pretences, empty ostentation, hypocritical conversation, and even artificial looks, they are extremely mistaken. True fame takes deep root, and extends its shoots. Every counterfeit appearance, like blossoms, quickly falls off; and no pretence can be lasting. The evidence upon both sides of this subject is extensive; but for the sake of brevity we shall content ourselves with the instance of one family¹². Tiberius Gracchus, the son of Publius, will be celebrated as long as the memory of the Roman affairs shall remain¹³. But his sons received not the approbation of good men, while they lived; and after death they were numbered with those who have justly forfeited their lives.

XIII. He, therefore, who would wish to acquire true fame, should discharge the duties

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of justice. What these are, we have already explained in the former book.—To appear what we really are is extremely easy; but the great concern is, to be what we wish to be esteemed. On this subject, therefore, some precepts remain to be given. If a man enter into life in circumstances of distinction and celebrity, which he has either derived from his father, as it has happened to you, my dear Cicero, or from chance and fortune; the eyes of all men are turned upon him to observe his conduct and his mode of life. He is placed in so clear a light, that no expression nor action can be concealed. But they who have passed their earlier years in meanness and obscurity, and in ignorance of the world, when they have advanced farther in life, ought to aspire after what is great, and struggle to obtain it by honest exertions. This they will do with greater confidence, because at the time of life to which we allude, so far from being exposed to envy, they will find themselves the objects of general favour. The first recommendation of a young
man

man to fame, is derived from warlike exploits. Many examples of this are to be found among our ancestors; for they were engaged almost in continual wars. But it has been your lot, to have been engaged in a war in which the one party has incurred too much guilt, and the other hath enjoyed but little success. When Pompey, however, appointed you to the command of a wing, you obtained great praise, both from that distinguished man, and from the army, by your exploits upon horseback, and with the javelin, and by your patience of every species of military toil. But the applause you then gained, has fallen along with the republic. I did not, however, undertake this essay with a view to confine it to you, but to extend it to the whole human race; and, therefore, let us proceed to what remains of our subject.

As in other things, the exertions of the mind are of greater importance than those of the body; in like manner, the pursuits of reason and genius are of greater consequence than those that

that are accomplished by bodily force. The chief recommendation to fame, therefore, arises from temperance, affection for parents, and good will to those with whom we are connected. Young men are most easily and best known, who court the society of illustrious and wise men, whose counsel benefits their country; and if they are often observed in their company, the people believe that they will resemble those men whom they have chosen as models for imitation. P. Rutilius recommended his youth to the opinion of the world for integrity and knowledge of the law, by frequenting the house of P. Mucius²⁴. L. Craffus, indeed, when very young, borrowed lustre from no collateral circumstance; but in that noble and glorious accusation of C. Carbo gained for himself the highest applause²⁵. At that time of life when exercises of declamation are received with praise, L. Craffus, as we are told Demosthenes formerly did, delivered a speech in the forum with the utmost credit, which he could have given with approbation as an exercise at home.

XIV. The offices of speech are of two kinds; the one for conversation, the other for public debate. The latter unquestionably possesses greater influence in the acquisition of fame; and we distinguish it by the title of eloquence. Yet, it is incredible how much politeness and ease in conversation conciliate the affections of men. There remain letters of Philip to Alexander, of Antipater to Cassander, and of Antigonus to his son Philip, three princes of the greatest prudence, as we are informed; in which they recommend a benign address to allure the affections of the multitude, and soothing appellations to win the hearts of the soldiers⁶. When the people are addressed in a speech, it often transports them to a man. For great is their admiration of an eloquent and skilful speaker; his hearers believe that he possesses more knowledge and judgement than other men. But if modesty diffuse itself powerfully through a speech, nothing can be more admired; and the admiration is greater if it come from a young man. Since there are several

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kinds of causes that require eloquence, many young men in our state have, in speaking in the courts of justice, and before the senate, obtained praise. The greatest admiration arises from public trials, the business of which is of two kinds, and consists of accusation and defence. Of the two, defence is the more praiseworthy, though accusation hath very often met with approbation. The instance of Crassus I mentioned very lately. M. Antonius, when a young man, exhibited a similar example²⁷. An accusation too threw a lustre upon the eloquence of P. Sulpicius, when he summoned to trial C. Norbanus, a seditious and destructive citizen²⁸. This, however, is seldom to be done, and never but for the sake of the state, as in the cases before mentioned; or to take vengeance for private injury, as was done by the two Luculli; or in the protection of allies, as was done by myself for the inhabitants of Sicily, and by Julius for the Sardinians²⁹. In the accusation too of M. Aquilius, the industry of L. Fufius came into notice³⁰. This may be
done

done once, but surely it is not often to be done. If, however, it must be done often, let a man undertake this office for the state; upon the enemies of which to take frequent vengeance ought not to be a subject of censure. Still, however, let the bounds of moderation be observed. It appears unfeeling, or rather savage, to expose many to a risk of their lives. This is dangerous to a man himself; and it is a mean expedient for fame to give grounds to be charged as a public accuser. This charge M. Brutus incurred; a man born of a noble family, and the son of a celebrated lawyer³¹. Besides, it is a maxim of duty, to be diligently observed, never to accuse an innocent man of a capital offence; for that can by no means be done without a crime. For what is so inhumane, as to convert eloquence, given by nature for the safety and preservation of others, to the ruin and destruction of good men. Nor, however, though this ought to be avoided, are we to scruple to defend the guilty, provided they have not violated every moral and religious principle.

principle. This is the will of the people ; it is permitted by custom, and recommended by humanity. It is the duty of a judge always to investigate the truth, of an advocate sometimes to urge the similitude of truth, though not wholly well founded. This I would not write, especially as a philosopher, were it not the opinion of Pannæti^{us}, the most respectable of the Stoics. The highest reputation and favour, then, are obtained by undertaking defences ; and the more, if it should happen that we lend our support to those who seem circumvented and oppressed by the influence of the powerful. This upon other occasions I have often done, particularly when young, for S. Roscius Amerinus, in opposition to the power of Sylla's domination¹². The oration, as you know, is published.

XV. HAVING explained the duties of the young, which tend to the attainment of fame, we are next to treat of beneficence and liberality. These are of two kinds ; for benignity is shown to the needy, either by our labour or

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our money. The latter is the easier of the two, especially for the rich; the former the more dignified and splendid, and more worthy of a great and distinguished man. For though in both there is a generous disposition to oblige, yet the one is derived from the chest, the other from virtue. The bounty which is derived from an estate, exhausts the fountain of benignity itself. Thus, bounty destroys itself; for the more diffusive it is, to the fewer it can be extended. But they who are beneficent and liberal by their labour, that is, by virtue and industry, to the greater number their beneficence has extended, the more coadjutors will they have in doing farther good. Besides, from the practice of beneficence, the more accustomed and the more ready will they be to deserve well of many. Philip, in a letter to his son Alexander, highly to his own honour, accuses him of seeking the good will of the Macedonians by donations. "What reason," says he, "in the name of all that is mischievous! induced you to hope or to suppose

“ that those men would be faithful, whom you
“ had corrupted by money ? Or was this your
“ object, that the Macedonians should expect
“ that you would not be their king, but their mi-
“ nister and purveyor ? ” Well did he say, “ mi-
“ nister and purveyor ; ” because it was mean
conduct for a king. What was profusion, with
more propriety, he called corruption. For he
becomes worse who receives, and is more ready
always to expect the same again. This was
the subject of reproof to his son ; but the prin-
ciple on which it is founded we may apply to all
mankind. It therefore, admits of no doubt,
that benignity which consists of labour and in-
dustry is the more honourable, extends wider,
and does good to the greater number. Gifts,
sometimes, however, ought to be bestowed ;
nor is this species of benignity to be altogether
rejected. To proper persons, in a state of indi-
gence, we ought often to communicate a share
of our fortune, but not indiscriminately and
without moderation ; for many, by inconfide-
rate bounty, have squandered away their
estates.

estates. What can be more foolish than to deprive yourself of the means of doing any longer, what you would willingly do. Besides, rapine accompanies profusion; for when, by profusely parting with what is their own, men come themselves to be in want, they are forced to lay their hands upon the property of others. Thus, when they are disposed to beneficence, with a view to gain the good will of others, they do not so much gain the affections of those who have been the objects of their bounty as the hatred of those whose property they have taken. Our fortune, therefore, is neither to be so shut up, that kindness cannot open it; nor so free, that it should be open to all. A medium ought to be observed, and that is to be ascertained by the extent of our fortune. Upon the whole, we ought to remember what has been so frequently observed among us, that it has grown into a proverb, "that profusion is bottomless." For what bounds can be fixed, while both those who are

accustomed to receive, and those who are not, have the same wants.

XVI. THERE are two classes of men only who give freely; the profuse and the liberal. The profuse are they who consume their money in public feasts, and in giving entertainments to the people, in shews of gladiators, in exhibitions on the stage, or the fighting of wild beasts; which either leave a transient impression on the memory, or are instantly forgotten. The liberal, however, are those who by their wealth either redeem captives from robbers, or pay the debts of their friends, assist them in disposing of their daughters in marriage, or lend them aid in the attainment or the increase of fortune. I am astonished, therefore, how Theophrastus, in his book upon riches, which contains many excellent observations, should have fallen into an absurdity. For he enters at great length, into the praise of magnificence, and the exhibition of shows to the people; and thinks the supply of such expence, the advantage of
riches

riches. To me, however, those advantages of liberality, of which I have given a few examples, appear much more important and certain. With how much more force and truth does Aristotle blame us, for not being astonished at the profusion of expence wasted in courting the people. "They who are besieged," says he, "by an enemy, if they are forced to purchase a small quantity of water at a great price, seem at first hearing to be in a situation that appears to us incredible and amazing. But, when we attend, it is forgiven on the footing of necessity." In the vast instances, however, of profusion and infinite expence, above-mentioned, our astonishment is not excited in any high degree; and it is the more wonderful, especially, as want is neither relieved nor dignity increased. Besides, that enjoyment which is thus produced among the people, lasts but for a little, and that too, only with the most giddy, in whom the recollection of the pleasure dies with the satiety. He infers, too, with good reason, that these gratifications extend only to children,

children, to trifling women, to slaves, and to freemen who bear the nearest resemblance to slaves. But, by a man of sense, who considers such exhibitions with settled attention, they can be by no means approved.

In our state, however, as I understand, it has grown into a custom, even in times of pure manners, that splendid entertainments should be required of the best of men in the office of the *Ædileship*. P. Crassus, therefore, surnamed the Rich, and who was rich in reality, discharged his office as *ædile* with great magnificence; and soon after, L. Crassus, colleague to Q. Mucius, the most moderate of all men, exhibited the highest degree of splendor in the same office³². To these, succeeded C. Claudius, the son of Appius; and after him the Luculli, Hortensius, Silanus, and many others. But P. Lentulus, during my consulship, in this respect surpassed all the former. Scaurus imitated him. The shows exhibited by my friend Pompey, in the time of my second consulship, were the most magnificent.

magnificent. From all these examples you see my opinion³⁴.

XVII. IN the case of which we now speak, the suspicion of avarice ought to be avoided. Mamercus, a very rich man, by omitting the ædileship, was rejected when he stood candidate for the consulship. If, therefore, demands are made by the people, which wise men would not require us to grant, though they approve when solicited, they ought to be granted but in proportion to our circumstances, as I myself have done. They ought also to be granted, if, upon any occasion something of greater importance be the design of such offerings to the people. Orestes, thus, lately obtained great honour by giving a public dinner in the streets, under pretence of paying a tenth to Hercules³⁵. Nor indeed was M. Seius to be blamed, who, in a time of scarcity, sold corn to the people at a low price. By this expedient he delivered himself from great and inveterate envy, and without the imputation of a base profusion, because he was then
ædile.

ædile. But my friend Milo lately received the greatest honour in this way, who, by purchasing gladiators for the defence of the state, which depended upon my safety, suppressed all the mad attempts of P. Clodius³⁶. This expence, therefore, is justifiable when it is necessary or useful, and is best regulated by moderation. L. Philip-
pus indeed, the son of Quintus, a man of genius and of the greatest eminence, was accustomed to boast, that without any tribute of this kind, he obtained the highest honours of the state. C. Curio used the same language; and I too may be permitted to express my vanity, in some measure, upon the same grounds. For, considering the ample honours I obtained without a dissenting voice, and the first year I was capable of receiving them, which fell to the lot of none of the two men I have mentioned, the expence of my ædileship was indeed small³⁷.

The best method of employing this expence, is upon the walls of the city, the docks, harbours, aqueducts, and upon whatever is connected with the public advantage. Though what

is immediately received in hand, is more pleasant ; yet these modes of bestowing our money will afterwards be more grateful. Theatres, porticos, new temples, I blame with reluctance, for Pompey's sake. The most learned men disapprove of them, and even Panætius himself ; whose writings in these books I have very much followed, though not translated.

Phalerius Demetrius reproaches Pericles the leader of Greece, because he expended so much money upon the celebrated gates of the citadel of Athens³⁸.—But this whole subject, I have diligently discussed in those books I have written concerning the state. The whole system, therefore, of such profusion is in itself vicious, but necessary upon particular occasions ; and when employed, it is to be regulated according to our wealth, and limited by moderation.

XVIII. IN the other kind of bounty which proceeds from liberality, we ought not to be affected in the same manner in dissimilar cases. The situation of the man, who is oppressed by
calamity

calamity is different from his, who, being in no respect under adversity, seeks to better his fortune. We ought to be more disposed to exercise our beneficence to the unfortunate, unless, perhaps, they deserve the misfortune under which they labour. To those, however, who desire aid, not to escape distress, but to rise a step higher, we ought by no means to be niggardly ; but in selecting the proper objects of kindness to exercise our judgement and diligence. For, as Ennius has well expressed it, “ acts of beneficence ill employed, I conceive to be bad.” Whatever, however, is bestowed upon a good and a grateful man, produces fruits both from himself and from others. Liberality free from temerity, is, of all things the most agreeable ; and most men the more cordially approve it from this consideration, that the goodness of a great man becomes the common refuge of all. We ought to endeavour, therefore, to oblige the greatest number we are able with those benefits of which the memory may be transmitted to their children and posterity, that it may not be in their power to be ungrateful.

ungrateful. For all men hate him who is unmindful of a benefit; for they believe, that he injures them by discouraging liberality, and that he is the common enemy of the poor.

This species of beneficence is even useful to the state, by being employed in redeeming captives, and enriching the poorer citizens; and it has been generally practised by our order, as you see fully described in the oration of Crassus¹⁹. This general practice of beneficence I prefer far to the exhibition of shows to the people. The one corresponds with the principles of wise and good men; the other with the practice of those who flatter the people, and tickle their levity by pleasure.—It will be advantageous, both to be munificent in parting with what we have, as well as being gentle in demanding what is due; and in every contract, in selling, buying, hiring, letting, to be just and gentle to our neighbours; on many occasions yielding much of our just rights; averse to law-suits as far as may be allowable, and I know not, but even somewhat more

more than allowable. For it is not only liberal occasionally to abate a little of our right, but it is sometimes even profitable.—A due regard is to be paid to our private fortune, of which it is flagitious to permit the decline ; but that regard is to be so regulated as to prevent the suspicion of illiberality and avarice. For, to be able to exercise liberality without robbing ourselves of fortune, is surely the greatest advantage of money.—Justly, has, hospitality been commended by Theophrastus. It is extremely becoming, in my opinion, for illustrious men to keep open houses for men of the same character ; and it is the honour of our state, that foreigners are received in this liberal manner in our city.—Besides, it is highly useful for those who wish honourably to obtain much influence among foreign nations, to acquire it by their wealth and interest with strangers. Theophrastus indeed records, that Cimon at Athens was even hospitable to his fellow-citizens of the Lacian tribe ; that it was not only his own settled practice, but that he ordered his stewards to afford such of them as stopped

stopped at his villa, every kind of entertainment.

XIX. The benefits that are conferred by labour, and not by gifts, are bestowed upon the whole community as well as upon individual citizens. To give cautions upon the subject of the law, to give aid by advice, and by this kind of knowledge to do good to as many as we can, tends in a high degree to encrease wealth and influence. Among the many illustrious acts of goodness of our ancestors, the knowledge and interpretation of their well-constituted civil law, was always held in the highest honour. This practice, indeed, our leading men retained in their possession, till the confusion of these times.—But now honours, and every degree of dignity, as well as the splendour of this science are completely destroyed. This is the more provoking, as it has happened at a time, when there was a man who greatly surpassed all who went before him of the same rank, in knowledge of the law^{to}. This

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labour,

labour, therefore, is acceptable to many, and calculated by its benefits to gain the attachment of men. Allied to this, is the power of persuasive speaking, which is still more agreeable and elegant.—For what is there more excellent than eloquence, either in the admiration of hearers, or in the expectation of those who need its aid, or in the favour of those who are defended by its means. To it, therefore, the chief place of dignity among civil employments was assigned by our ancestors. The man, then, of eloquence, who labours with readiness, and who, according to the custom of our forefathers, willingly and gratuitously undertakes the defence of many causes, possesses an extensive range of beneficence and patronage. My subject would lead me here, to deplore the interruption of eloquence, not to say its extinction, were I not afraid least the complaint should seem to be made in reference to myself. Yet, we cannot but observe, how many orators are destroyed, how few give hopes of eminence, how many fewer discover ability, and how many
manifest

manifest their presumption. Though not all, nor indeed many, can be eloquent or skilled in the law; yet, they may do much good by their labour, by asking benefits for others, by recommending them to judges and magistrates, by watching for their interest, by soliciting for them the advice, or the pleadings of those who are qualified for either. They who do this, obtain very great favour, and their industry reaches to a very great extent.—We need not here offer an admonition which is obvious, that they who pursue this line of conduct, should beware lest while they wish to assist some, they offend others. For they often either disoblige those whom they ought not, or those whom it is improper to disoblige. If they are imprudent, they may do this through negligence; if they know it, it is an act of temerity. An apology ought to be made to those whom you unwillingly offend, wherever you are able, alledging that you acted from necessity and could not do otherwise; and in your other labours

and duties, you ought to make amends for the offence you have committed.

XX. IN giving our aid to others, their character or their fortune are usually the objects of our attention. It is easy to say, and therefore commonly said, that in bestowing benefits, men regard the character and not the fortune of others. The observation is excellent ; but who is there, we ask, who does not, when he bestows his labour, prefer the favour of a fortunate and powerful man, to the cause of a needy man of the best reputation ? We are usually more disposed to employ it for him, from whom it appears there will be a more ready and speedy return. But, we ought to attend more diligently to the nature of things. For a needy, if he be a good man, even though he be unable to return a favour, can surely retain a grateful sense of it. Well, however, was it said, whoever said it, " that he " who retains a debt has not paid it ; that he who " has paid it does not retain it ; but he who returns a favour retains a sense of it ; and he " who retains a sense of it, has repaid " it."

“it.” But they who think themselves rich, honoured, happy, do not desire to be obliged by benefits. Besides, they think they have done you a kindness when they themselves have received from you a favour, however great; and they are even suspicious, that some return is demanded or expected from them: But it is like death to them to have it said, that they received your patronage, or are called your dependants. The humble man, however, when he receives a kindness, supposes it done from a regard to himself and not to his fortune, and he studies to appear grateful, not only to him who has obliged him, but as he needs much, to them also from whom he expects similar favours. And, if he himself happen to do a favour, he does not in words magnify, but even lessen its merit. Another circumstance deserves attention; if you defend an opulent and fortunate man, the favour does not extend farther than to the man himself, or perhaps to his children. But, if you discharge the same office to a needy, but an honest and modest man, all men of the same

condition who are not wicked, and these are a great proportion of the people, behold a sanctuary prepared for themselves. From these considerations, I conceive it better to bestow benefits upon the good, than upon the fortunate. We ought, upon the whole, to endeavour to be able to oblige all mankind ; but, if a comparison should at any time arise, I would certainly follow the example of Themistocles, who, when he was asked, " Whether he would rather " give his daughter in marriage to a good man " though poor, than to a rich man of an inferior " moral character," answered ; " I, would rather " have a man without money, than money without a man." Morals are corrupted and depraved by the admiration of riches ; and yet what does the large fortune of another signify to any one of us ? Wealth benefits him who possesses it ; though not indeed, always ; but suppose that it does, suppose he has great abundance ; how is he more virtuous for this ? But if he be at the same time a good man, let not his riches prevent his receiving a kindness ; yet, let them
not

not of themselves induce us to oblige him. Let our judgement be employed, not in examining the extent of a man's fortune, but the kind of moral qualities he possesses.——The last precept on this subject, which you should endeavour to follow, is, never in doing acts of kindness to attempt any thing contrary to equity, nor in defence of an injury. The foundation of perpetual approbation and fame is justice, without which nothing can be laudable.

XXI. Since we have discoursed of that species of benefits which refer to individuals, we are next to treat of those which reach to all men, and to the whole state. These are partly of such a kind as to reach to individuals, and partly to refer to all the citizens alike, but the latter is the more grateful of the two. We ought in general, if possible, to endeavour to practise both; but, so that less attention be not given to the claims of individuals, and that what is done may either favour, or certainly not obstruct the public interest. The distribution

of corn made by C. Gracchus was large, and therefore exhausted the treasury: that of M. Octavius, moderate, supportable by the state, and necessary for the people; it was therefore salutary both for the citizens and the government.

They who are engaged in the administration of a state, ought to take particular care that every man be secure in his property, and that the goods of private citizens suffer no diminution by public authority. Philip acted a destructive part, not only in his tribuneship, when he proposed an Agrarian law; which, however, he easily suffered to be rejected, and in his opposition behaved with extreme moderation; but in many of his popular transactions, and particularly when he made this dangerous observation; "That there were not in the state, "two thousand men who possessed property."²¹ A fatal speech; the tendency of which was an equality of property, than which there cannot be a greater evil. The chief object in the formation of states, and the building of cities, was the

the security of property ; for though men were associated by the appointment of nature, yet, they sought the protection of cities with the hope of preserving their possessions.

Statesmen ought to endeavour to prevent a general contribution, which often happened among our ancestors, in consequence of the low state of the treasury, and continual wars ; and a provision ought to be made long before against this event. But, should any necessity for this public burden happen to any state ; (for I would rather predict this of another than our own, nor do I here treat of our own, but of governments in general), the attempt should be made to make all men understand, that if they wish to be safe, they must yield to necessity.— Besides, all they who would govern a state, ought to provide abundance of those things that are necessary. Of what kind this provision usually is and ought to be, it is not necessary to describe, for it is obvious, and needed only to be mentioned.

It is an important object in the whole management

nagement of business and of public employment, to avoid even the smallest suspicion of avarice. "I wish," said C. Portius the Samnite, "that fortune had reserved me till those times, and I had then been born when the Romans have begun to receive bribes; I would suffer them no longer to rule⁴³." He must indeed have waited many ages, for this evil but lately invaded our state. If Portius, therefore, really possessed so great power, I am satisfied that he lived rather when he did. A hundred and ten years have not elapsed since a law was proposed against extortion, and none of this kind had been enacted before. But, afterwards, there were so many laws framed, and the last always more severe than the former; there were so many men accused, so many condemned, so great a civil war kindled in Italy by the fear of trials; and such robbing and plundering of the allies when laws and trials were annulled, that our safety now arises, not from our own virtue, but from the weakness of others.

XXII. PANÆTIUS

XXII. PANÆTIUS commends Africanus for his abstinence with regard to wealth. Why should he not commend him? But Africanus possessed higher qualities, for the praise of indifference to money was not peculiar to him, but the character of those times⁴⁴. Paulus made himself master of all the treasure of the Macedonians, which was immense; he conveyed so much of it into the treasury, that by the booty of one general he put an end to taxes; but he brought nothing to his family except the everlasting memory of his name⁴⁵. Africanus, imitating his father, did not become richer by the overthrow of Carthage⁴⁶. Did Mummius who was his colleague in the censorship add to his wealth, when he razed to the ground a very rich city? He chose rather to adorn Italy than his own house; though in my judgement, the honour of Italy was the honour of his house⁴⁷. To return then from this digression; no vice is more detestable than avarice, especially among the leading men in a state; for to make government a traffic, is not only base, but criminal and villainous. The
oracle,

oracle, therefore, which the Pythian Apollo delivered; "That Sparta would perish by no-thing but avarice," seems to be predicted not only of the Lacedæmonians, but of all opulent nations⁴⁸. By nothing can the rulers of states gain the goodwill of the world more easily, than by indifference to wealth, and the moderate use of what they possess.—They, however, who wish to be popular, and for this reason attempt Agrarian laws, that the true owners may be driven from their possessions; or think that creditors ought to remit their debts, shake the pillars of a state⁴⁹. They break the concord of citizens, when they deprive some of the money which they remit to others; they violate all the principles of equity, when they suffer not every individual to retain the secure possession of his property. For it is the privilege of a state and a city, as I above mentioned, that the protection of every man's estate should be secure, and not the subject of anxiety.—But, in adopting this pernicious system of government, men do not indeed obtain that favour which they suppose;
for

for he who is plundered of his property becomes an enemy ; he who receives it even dissembles his desire to receive it, and, especially in the case of debts remitted, conceals his joy lest he should seem not to have been able to pay. He who receives an injury remembers it, and manifests symptoms of his vexation. Nor if there are more who unlawfully receive than they who are unjustly robbed, are the former the more powerful ; for we are not in this case to decide according to numbers but to characters.—What equity does it imply, when he who has none should possess the estate which another held for many years or even ages before, but that he who possessed it should lose it ?

XXIII. IN consequence of this species of injury, the Lacedemonians expelled Lyfander, one of the Ephori ; they murdered their king Agis, a case that had never happened before among them ; and after that time so great discord followed, that tyrants arose, nobles were exterminated, and a republic most illustriously constituted

constituted fell to decay⁵⁰. Nor did Sparta alone fall; for by the contagion of the evils, which arising from the Lacedemonians spread wider, the other political establishments of Greece were overturned. What, but struggles for Agrarian laws, ruined our countrymen the Gracchi, the sons of that eminent man Tib. Gracchus, and the grandsons of Africanus⁵¹? But Aratus of Sicyon is justly celebrated, who, when his state had been ruled by tyrants for fifty years, went from Argos to Sicyon, and entering secretly took possession of the city⁵². After he had crushed the tyrant Niocles by surprise, he recalled six hundred exiles, who had formerly been the most wealthy of the citizens, and at his arrival restored freedom to the state. But, when he observed, that there was great difficulty in the adjustment of property; for he conceived it most unfair, that those men should be in want, whose property others had possessed, and he thought it scarcely consistent with justice, to interfere with possessions, which had been enjoyed for fifty years; because, in such a length of time,

time, many of these were justly held by inheritance, many by purchase, and many by dowry; he determined, therefore, that the one party ought not to be deprived of what they at present possessed, nor that the other should be without a compensation for what they had formerly lost. After he found that money would be necessary to settle this business, he told them that he wished to go to Alexandria, and ordered that things should remain as they were till his return. He proceeded with haste to his friend, Ptolemy, the second king of that name after Alexandria was founded. After he had unfolded to him his purpose of restoring freedom to his country, and had explained the reasons, that distinguished man readily obtained from this opulent monarch a large sum of money. When Aratus had brought this money to Sicyon, he united in council with himself fifteen of the leading men, with whom he examined the claims of those who possessed what formerly belonged to others, and of those who had lost this property; and by fixing the value of the possessions, he was able to persuade

persuade some who chose rather to receive money, to resign them, and others to believe it more convenient to accept the value than to recover them. By this expedient, concord was established, and all retired without complaint. Illustrious man! worthy to have been born in the Roman state.—This was to give fair treatment to citizens; and not, as we have twice seen, to raise the ensigns of auction in the forum, and to vend the goods of fellow-subjects by the voice of the public crier. But this distinguished Greek, as became a wise and a great man, thought that the interest of all was to be consulted. Such is the grand system and the wisdom of a good citizen, never to make a violent difference between the interests of his fellow citizens, but to comprehend the whole community under the same equitable rules.—Let men occupy without price what belongs to another: But why so? Why should you enjoy against my inclination what I have bought, or built, or preserved, or that on which I have expended my money? What else is this but to rob
some

some of what is their own, and to give to others what never was ours. But what does a public extinction of just debts mean, but that you may buy land with my money, and possess it, while I remain deprived of my money?

XXIV. LET no provision, therefore, injurious to the state, be made for the alleviation of debt. This can be prevented by a variety of means. Never, if debt should be contracted, ought the rich to lose their money, nor debtors make a gain of what is not their own. Nor does any thing cement a state so effectually as credit, which cannot exist unless there shall be a necessary payment of debts. Never was there a greater struggle made, than in my consulship, to break this obligation. The design was attempted by taking arms and forming camps, and by every rank and description of men; but I resisted by such means as to remove this whole evil from the state. Never was there a greater load of debt, nor was it ever better or more easily paid. For

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every

every fraudulent expectation being disappointed, a necessity of payment succeeded⁵³. But he who has now conquered, was then defeated ; the object that he meditated, he has accomplished, when he could derive from it no advantage. Such a lust had he for vice, that even though there was no inducement, wickedness itself afforded him pleasure⁵⁴.—— This species of profusion, therefore, which gives to one what is taken from another, should be far from those who are engaged in public administration. They will be particularly careful, that every man possess his right by an equality of privilege, and by the equitable administration of justice ; that the poor be not wronged, because of their poverty, nor the rich, in the possession or recovery of their property, by envy. Besides, they will endeavour, and by all the means they are able, either in war or in peace, to increase the power of the state in territory and revenue. These are the objects of pursuit with great men ; this was the frequent practice of our ancestors ; these

3 are

are the duties they perform, who, with most benefit to their country, would obtain for themselves great influence and fame. Among these precepts of utility, Antipater the Tyrian, a Stoic philosopher, who died lately at Athens, thinks two are omitted by Panætius; namely, the care of health and of money⁵⁵. These were passed over by that great philosopher, I suppose, because they are obvious. They are unquestionably useful. Health is supported by a knowledge of our own constitution, and the observation of those things which usually profit or hurt; by moderation in every kind of food and mode of life, with a view to the support of the body; by avoiding pleasures; and by the skill of those men, with whom this is a subject of science. Private fortune ought to be acquired by such means as are free from dishonour, and preserved and encreased by diligence and parsimony. Xenophon, the Socratic philosopher, has treated this subject in a very

useful manner, in his book entitled *Œconomics*, which about your time of life I translated from the Greek into Latin.

XXV. THE comparifon of the objects of utility, which is the fourth head, and omitted by Panætius, is often necessary; for bodily advantages are usually compared with those of fortune, and those of fortune with corporeal advantages, and the advantages of the body and of fortune separately among themselves. Bodily advantages are compared with those of fortune in this manner: you would chuse rather to enjoy health than to be rich. The advantages of fortune are compared with those of the body in the same manner; you would rather be rich than enjoy very great bodily strength. Corporeal advantages are compared with one another, thus; good health should be preferred to pleasure, and strength to speed. The goods of fortune in the same manner;

manner; fame is preferable to riches, an estate in the city to one in the country. Upon this species of comparison was founded the memorable answer of Cato, who being asked. "What was the most productive labour upon an estate?" answered. "To feed cattle well." What the second? "To feed cattle moderately." What the third? "To feed them ill." What the fourth? "To plow." And when the querist had asked, what he thought of lending upon usury? Cato answered. "What do you think of killing a man^s?" From this, and many other examples, it ought to be understood, that a comparison of the objects of utility is commonly made, and that this fourth head for the investigation of duty is properly added.—

The whole subject of acquiring money, lending it upon interest, and even applying it to a right use, can be better learned from the most distinguished men at the

Exchange, than from any of the schools⁵⁹. Such subjects deserve your knowledge ; for they are connected with utility, the topic of discussion in this book.——Let us proceed to the remainder of our essay.

END OF BOOK SECOND.

B O O K III.

I. C A T O tells us, my son Marcus, that Publius Scipio, the first who was called Africanus, and nearly of the same age with himself, was accustomed to say ; “ that he never was “ less at leisure than when he was at leisure ; “ nor less alone than when alone’.” A noble expression indeed, and worthy of a great and a wise man ! Intimating, that in his leisure he was accustomed to think of business, and in solitude to converse with himself ; that he was never idle, and sometimes needed not the conversation of others. Thus the two things, namely, leisure and solitude, which produce languor in others, animated his genius.—I wish I could say the same thing ; but though I can obtain by imita-

tion, little of so great intellectual excellence, yet certainly in my inclination, I have made a very near approach to it. For, excluded from the republic, and the business of the forum, by impious arms and violence, I enjoy leisure; and for that reason, having abandoned the city, I wander over the country, and am often alone. But neither is this leisure to be compared with the leisure of Africanus, nor this solitude with his. For he reposing from the most honourable employments of state, at times, chose a season of leisure; and from company and bustle occasionally withdrew to solitude, as into a haven. But my leisure is produced by want of business, and not the desire of repose. For the senate being dissolved, and the courts of justice destroyed; what is there that I can do worthy of myself, either in the senate-house, or in the forum? I, therefore, who formerly lived in the greatest celebrity, and in the view of my fellow-citizens; now flying the sight of profligates who abound everywhere, have hid myself as far as I could, and am frequently alone. But, since we have
been

been taught by learned men, not only that we ought to chuse the least of evils, but also to extract from them, whatever good they contain; I, therefore, enjoy not indeed that leisure which he ought, who formerly procured peace for the state; nor do I suffer that solitude to languish, which necessity, and not my inclination produces. Still, however, Africanus in my judgement obtained higher praise. No monuments, it is true, of his genius are committed to writing; no work of his leisure, no offering of his solitude remain. But, from this it must be understood, that by intellectual occupation, and the investigation of those subjects which he prosecuted by reflection, he was never idle nor solitary. But I, who do not possess so much strength of mind as to withdraw myself from solitude by silent thought, have directed my whole study and care to the composition of this essay. And thus, in a short time after the overthrow of the republic, have I written more than for many years while it remained.

II. THOUGH

II. THOUGH the whole of philosophy, my dear Cicero, is fruitful and profitable, and no part of it uncultivated or deserted ; yet, no department of it is more fertile, nor more productive, than that of duty, from which the maxims of an uniform and a virtuous life are deduced. Wherefore, though I am confident, that you constantly hear and receive these from my friend Cratippus, the chief of the philosophers of the present day ; yet, I conceive it will be your advantage, that your attention be so occupied with such subjects, that if it be possible you can listen to nothing else. This ought to be done by every man who intends to enter upon an honourable course of life, but by none perhaps more than by you. For no small expectation is entertained of your imitating my industry ; there is great hope of your obtaining my honours, and some perhaps of acquiring my reputation.

Besides, you have brought yourself under weighty obligations, by studying at Athens, and under Cratippus. Since you have gone thither, as to the mart of useful acquisitions, it will be most

most shameful to return empty, and disgrace the character, both of the city and of the master.

—Wherefore, endeavour to accomplish as much as your mind can bear, and your labour overtake ; if, to acquire knowledge can be called a labour rather than a pleasure ; and let it not appear hereafter, that while every thing has been supplied by me, you should seem to have been wanting to yourself. But let this at present suffice ; for I have already written to you much and often, with a view to encourage your diligence. Let us now return to the remaining part of the division proposed.

Panaetius, who unquestionably has treated the subject of moral duty with greatest accuracy, and whom with some corrections we have chiefly followed, proposes three divisions under which men are accustomed to deliberate and consult concerning duty ; the first is, when they doubt whether that is virtuous or vicious which comes under their consideration ; the second, whether it is useful or the contrary ; the third, if that which has the appearance of virtue, opposes that

that which is useful, in what manner the difference is to be decided. The two first he has explained in three books, the third he promised to illustrate, but did not perform his promise. I am the more surpris'd at this, because we are told by his scholar Posidonius, that Panætius lived thirty years after he published these books³. I am astonish'd too, to find this subject shortly treated in some commentaries by Posidonius; especially, as he observes that there is no subject throughout the whole of philosophy so necessary. I, by no means agree with those, who deny that the division mentioned, was neglected by Panætius, but say, that it was intentionally omitted, and ought never to have been illustrated at all; because utility could never come in opposition to virtue. It may admit of doubt whether the third division of Panætius ought to have been adopted, or altogether omitted; but it cannot be doubted, that it was propos'd and relinquish'd. For he who has executed two parts of a triple division, must of necessity have a third remaining. Besides, at the conclusion

sion of his book, he promises afterwards to treat of this part. To the same purpose may be added the unquestionable evidence of Posidonius, who mentions in a particular letter, that P. Rutilius Rufus, who had been a disciple of Panætius, was accustomed to say; that as no painter was to be found, who could complete that part of the Venus of Cos, which Appelles had left unfinished, the beauty of the countenance leaving no hope of making the rest of the body correspond; so no man could finish that part which Panætius had left unfinished, in consequence of the excellence of what he had executed.

III. Of the opinion of Panætius, therefore, there can be no doubt; but whether he added this third part for the investigation of duty properly or not, may perhaps be questioned. For whether virtue be the sole good according to the Stoics, or whether, as your sect the Peripatetics think, it includes so much of the supreme good, that all other things placed in the opposite scale, have

have scarcely the least weight ; it is certain, on either of these suppositions, that utility can admit of no comparison with virtue. Accordingly, we have been told, that Socrates used to execrate those men, who first separated in opinion what nature had conjoined. With him, indeed, the Stoics so far agreed, that whatever is virtuous, they thought useful ; and that there was nothing useful which was not virtuous. But, if Panætius were of the number who say that virtue ought to be practised, because it is the source of utility, like those who measure the objects of desire by pleasure or indolence, he might be permitted to affirm that utility sometimes stood in opposition to virtue. But since he conceived that only good which is virtuous, and that life was neither better by the addition, nor worse by the privation of those things which are repugnant to virtue, though they have some appearance of utility ; it does not appear that he ought to have introduced a subject of deliberation of the kind mentioned, in which, that which seems useful

ful should be compared with that which is virtuous. For what is called the supreme good by the Stoics, to live agreeably to nature, means, as I understand it, to be always consistent with virtue, and to chuse other things which are according to nature, if they are not repugnant to virtue. In consequence of this, some think that the comparison was improperly introduced, and that no precepts whatever ought to have been given upon the subject. But that perfection of conduct, properly and truly so called, is to be found in wise men alone, nor can it ever be separated from virtue. In those men, however, who possess not perfect wisdom, the similitude of virtue may, though that perfect virtue can by no means, be found. For all the duties of which we are treating in these books, the Stoics call middle duties. These are common and extend wide, and many attain them by good dispositions, or in the progress of improvement. But that duty which the same philosophers call right, is perfect and absolute; and, as they themselves express it, has all its numbers, and

and can fall to the lot of none but the wise⁴. When, therefore, any thing is done, in which the middle duties appear, it seems to be abundantly perfect; because the multitude do not usually understand how far it is distant from perfection, and as far as they understand it, they suppose nothing is omitted. It is also a common occurrence in poetry, in painting, and in many other subjects, that the unskilful are delighted with, and praise what is not praiseworthy, and for this reason I believe, that in the object of their approbation, there is some excellence, which catches the ignorant, who are indeed unable to judge what may be faulty in every single part. When, however, they are instructed by the skilful, they easily depart from their former opinion.

IV. THE duties, therefore, of which we are here treating, are, according to the Stoics, a kind of secondary virtues, not peculiar to the wise only, but common to the whole human race. They are accordingly approved by all
who

who possess virtuous dispositions. Neither, indeed, when the two Decii or the Scipios are mentioned as brave men, nor when Fabricius or Aristides are denominated Just, is an example of fortitude in the former, or justice in the latter, proposed as from wise men. For none of them were so wise as we would have a wise man understood; nor were M. Cato and C. Lælius wise, who were esteemed and denominated wise men: not even the celebrated seven wise men of Greece; but from their frequent discharge of middle duties, they bore some similitude and aspect of wise men^s. Neither is it right, therefore, that what is really virtuous should be compared with what is repugnant to utility; nor that what we commonly call virtue, which is practised by those who wish themselves to be esteemed good men, should ever be compared with emolument.

That virtue, which falls under our knowledge, ought as much to be supported and preserved, as that which is properly and truly called virtue among wise men. For otherwise,

if any progress has been made towards virtue, it cannot be continued.— But so far concerning those who from the observation of their duty are esteemed good men. They, however, who measure all things by emolument or convenience, and wish not that virtue should preponderate, are accustomed in their deliberations to compare virtue with that which they suppose useful; a practice to which good men are not habituated. I therefore think, that Panætius, when he said, that men usually hesitate upon this comparison, meant the very thing which he expressed, that they were only accustomed to do so; but not that it ought to be done. For not only to think that what is useful is preferable to what is virtuous, but to institute a comparison between them, and to entertain doubts upon that comparison, are base in the extreme. What is there, therefore, that should sometimes produce doubt and seem to deserve consideration? I believe this takes place, when a doubt arises concerning the nature of that which is the subject of deliberation. For it often happens, that
what

what is commonly thought vicious is found not to be vicious. For the sake of an example, let a supposition be made, which may include many others. What greater crime can there be, than not only to murder a man, but even a friend? Whether, therefore, does he involve himself in guilt who kills a tyrant, though his familiar friend? It does not appear in the light of a crime to the Roman people, who, of all gallant exploits, esteem this the most honourable. Does utility, therefore, surpass virtue? No! but utility accompanies virtue. If, therefore, at any time that which we call useful shall appear repugnant to that which we conceive virtuous; to enable us to decide without any risk of error, some rule ought to be established, which if we follow, in the comparison of such cases, we shall never depart from our duty. This rule shall be consistent chiefly with the principles and doctrines of the Stoics, which we have followed in these books. For though both by the Academics, and your sect, the Peripatetics, who were formerly the same,

the things that are virtuous are preferred to those that seem useful ; yet, this doctrine is more nobly maintained by those, to whom it appears that whatever is virtuous is useful, and that nothing can be useful that is not virtuous ; than by those to whom any thing virtuous seems not useful, or useful that is not virtuous. Our academy in this respect grants great licence ; for whatever may seem most probable, we are allowed to defend according to our own pleasure. But I now come to the rule proposed.

V. To take any thing from another unlawfully, or for one man to encrease his own interest by the disadvantage of another, is more contrary to nature than death, poverty, sorrow, or all other things that can befall the body or our external circumstances. For, in the first place, it destroys intercourse and society among men : because, if we shall be disposed for our own advantage to plunder or violate others, that union of the human race, which is most according to nature, must of necessity be broken. Thus, should every member conceive,
that

that its health would be improved by the assumption of the health of the next member, the whole body must be weakened, and perish ; so, if every one of us should force into his own possession the property of others, and take whatever he could for his own use, of necessity the society and correspondence of men would be subverted. For it is granted, that every individual, while nature is not opposed, may wish rather to acquire for himself than for another whatever tends to the benefit of life ; but nature does not permit us to increase our wealth, or our influence, by the spoils of others. Nor is this founded only upon nature, that is, the general principles of equity that pervade nations, but even upon the laws of particular nations, by which government in single states is supported, and by which it is in the same manner enacted, that no man for his own interest shall injure another. This is the view and the design of laws, to render civil intercourse safe, and restrain those who infringe them, by death, exile, chains, or fine. And much more still

does our reasonable nature enforce this, which is both a divine and human law, which he who wishes to obey (and all men will obey it who desire to live according to nature), will never be guilty of coveting what is not his own, and of taking for himself that of which he has deprived another. For greatness and elevation of mind, gentleness, justice, liberality, are much more according to nature, than life, pleasure, or riches, which indeed to contemn and undervalue, comparing them with the common utility, is the property of a vigorous and an exalted spirit⁶. To take, therefore, from another unlawfully, for the sake of a man's own advantage, is more contrary to nature than death, sorrow, and other things of the same kind.

It is more, too, according to nature, to undertake the greatest labours and trouble, for the preservation or aid of all nations ; imitating the illustrious Hercules, whom fame, mindful of his merits, has placed in the council of the gods ; than to live in retirement, not only without

out vexations, but even amidst the greatest pleasures, abounding in every advantage, and distinguished by beauty and strength. Every man, therefore, of the best and most splendid endowments, greatly prefers the former manner of life to the latter. Hence it follows, that the man who lives obedient to nature cannot injure another. In the next place, he who injures another, that he himself may obtain some advantage, either believes he does nothing contrary to nature, or thinks that doing an injury to any man is less to be avoided than death, poverty, grief, the loss of children, of relations, or of friends. If he thinks, that in injuring his fellow creatures he does nothing contrary to nature, why do you reason with such a man, who extinguishes the human character? If, however, he think that this indeed is to be avoided, but that death, poverty, grief, are much worse, he errs in supposing that any pain of body or loss of fortune is more intolerable than the vices of the mind.

VI. ONE thing, therefore, ought to be affirmed by all; that the advantage of the individual, and of the whole community, is the same; which, if any man shall grasp for himself, the whole intercourse of mankind is dissolved'. And if nature prescribe this, that man should consult the interest of man, for the very reason that he is man, it follows of necessity that, according to the same nature, there is an utility common to all. If this be the fact, we are all comprehended under the same law of nature; and if this too be true, we are certainly prohibited by the law of nature to injure another. But the first is true, and therefore the last must be true likewise.—That indeed is absurd, which some men avow, that for their own advantage they would take nothing from a parent or a brother; but that the case of other citizens is different. These men, establish with their fellow-citizens no common right, no society for common advantage; an opinion that unhinges the whole internal intercourse of a state. They, too, who hold that a regard ought to be paid to our fellow,

low-citizens, but deny it to foreigners, break afunder the common society of mankind, by which beneficence, liberality, goodness, justice, are entirely abolished. They who destroy these virtues, are to be charged with impiety towards the immortal gods. For, by such principles, they subvert established intercourse among men, of which the closest bond, is to think it more contrary to nature for one man to take unlawfully from another for his own advantage, than to endure all the ills of fortune, or of body, or even of the mind itself, which are free from injustice⁸: For justice is singly the mistress and queen of all the virtues. Perhaps, some may here say; Will not, therefore, a wise man, if he be perishing with hunger, take food violently from a man who is completely insignificant? By no means: for my life is not more valuable than that disposition of mind, which offers violence to no man for the sake of my own advantage. What, if a good man could strip Phalaris, a cruel and savage tyrant, of his clothing, that he himself might not perish with cold;

would he not do it? On such questions as this, it is easy to form a judgement. For if you take any thing from another, who is wholly insignificant, for your own use, you behave inhumanely and contrary to the law of nature. But, if you are a man, who can greatly benefit your neighbours and the state by continuing to live; if for that reason you deprive another of any thing, it ought not to be blamed. But in other cases, every man ought to bear his own evils, rather than wrong another, by stripping him of his comforts. Disease or want, therefore, or any thing of the same kind, is not more contrary to nature than covetousness, and seizing what is not our own; but the desertion of the common interest is contrary to nature; for it is unjust. The law of nature, therefore, which comprehends and preserves the common interest, certainly decrees, that the things necessary to life may be transferred from a slothful and useless man, to a wise and a good man; who, if he shall fall, would much diminish the common advantage; but it is to be done under the limitation,

tation, that the latter, from a high opinion of himself, or from selfish views, shall not convert this privilege into an occasion of doing injury. For thus, he will always discharge his duty, consulting both the interest of individuals, and that of human society, which I have so often mentioned. For with regard to Phalaris, it is very easy to form a judgement. There subsists no society with tyrants, but rather the greatest discord; nor is it contrary to nature to rob that man, if you are able, whom it is honourable to put to death; and this whole pestilential and impious race ought to be exterminated from the community of mankind. For as some members are amputated, when they have begun to want blood and life, and to injure the other parts of the body; so that brutal ferocity and barbarity in human shape should be severed from the common body of humanity.—Of this kind are all those questions in which duty, according to circumstances, becomes the subject of inquiry.

VII. PANÆTIUS, I believe, would have farther prosecuted inquiries of this kind, unless some accident or occupation had interrupted his design. Upon these subjects of deliberation, a sufficient number of rules are to be found in his preceding books, from which it may be seen what should be avoided because of its demerit, and what of consequence ought not to be avoided, because entirely free from vice. But since I am to complete a work already begun and almost finished, after the usual practice of geometers, who do not demonstrate every thing, but require that some concessions may be made, that they may the more easily explain what they intend; so I require of you, my dear Cicero, that you would grant me, if you can, That nothing, but what is virtuous, ought to be desired for its own sake. But, should this not be allowed by Cratippus; so much you will surely grant, that what is virtuous ought to be chiefly desired for its own sake. Either of these concessions is sufficient; for in both cases there is a high degree of probability, and nothing but what is probable

probable can be in this case obtained. And, in the first place, the defence of Panætius ought to rest upon this, that he has not said, that utility can upon any occasion oppose virtue, nor would it be right to have said so, but only those things that seemed to be useful. But, that there is nothing useful which is not at the same time virtuous, and nothing virtuous which is not useful, he often avows; and denies that any greater evil has attacked human life than the opinion of those who have disunited them. Not, therefore, that at any time we should prefer the useful to the virtuous, but that we might distinguish them without the danger of error, if an opposition should happen, he introduced this head of a repugnance between them, which is apparent and not real.

This division which he omitted, I shall supply of myself without farther aid¹⁰. For there are no illustrations upon this subject, among those which have come into my hands since the time of Panætius, which merited my approbation.

VIII. WHEN, therefore, any appearance of utility meets the view, we are unavoidably affected; but if, after attention, you observe dishonour joined to that which bore the appearance of utility, then utility is not to be relinquished; but, it ought to be understood, that where vice is, there utility cannot exist. If nothing is so contrary to nature as vice, (for what is right and proper, and consistent, nature requires, and abhors the contrary,) and nothing so much according to nature as utility; certainly utility and vice cannot exist in the same thing. In like manner, if we are born to virtue, it is, according to Zeno, either to be desired alone; or surely to be esteemed of more weight than every other consideration, according to Aristotle: of necessity, what is virtuous is either the sole or the supreme good. But what is good is unquestionably useful; and thus what is virtuous is useful. Wherefore, wicked men err when they seize any thing that appears useful, and immediately separate it from virtue.—Hence, arise assassination, poisoning, and forged wills; hence theft, peculation, the fleecing and plundering

plundering of allies and citizens ; hence, the intolerable influence of too great power ; hence, in short, springs ambition for sway in free states, than which nothing can be imagined more pernicious and detestable. For they see profit through a false medium ; yet they do not see the punishment, I do not say of the laws, which they often transgress, but of guilt itself, which of all others is the most severe. Men of this character, therefore, should be expelled from society, (for they are altogether abandoned and impious), who deliberate whether they ought to follow that which they perceive to be virtuous, or knowingly to pollute themselves with crimes. There is a crime in the very doubt, even though they should go no farther ; and, therefore, such things are not the subjects of deliberation at all, when the deliberation is criminal. And in every deliberation no hope nor purpose of cover or concealment ought to be entertained, for we must be fully persuaded, if we have made any progress in philosophy, that though we could hide ourselves from the view of
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all the gods and men, yet no act of avarice, of injustice, of lust, or intemperance, ought ever to be committed.

IX. To the purpose we have in view, Plato introduces the famous story of Gyges, who, when the earth opened in consequence of some violent showers, descended through the chink, and according to the fable observed a brazen horse with a door in his side, through which when opened he saw the body of a dead man of an unusual size, with a golden ring upon its finger. This he took off and put upon his own finger; and being a royal shepherd, he withdrew to an assembly of the shepherds. There, when he turned the stone of the ring to the palm of his hand, he became invifible, though he himself saw all things as before.—He became again vifible when he turned the ring back to its former position. Taking therefore the advantage of the ring, he obtained criminal correspondence with the queen, and with her assistance murdered the king his master, and

and dispatched those who he thought stood in his way ; nor could any person see him during the perpetration of these crimes. Thus by means of the ring he immediately ascended to the throne of Lydia.

Were a wise man possessed of this ring, he would not think he had more license to do wrong, than if he possessed it not. What is honourable, and not what is concealed, is the object of pursuit with wise men. But here some philosophers, who are by no means indeed licentious, but deficient in acuteness, maintain that this fictitious and romantic story was produced by Plato, as if he meant to defend its reality, or the possibility of its having happened. The following is the meaning of the ring, and the example.—If no man should know, or not even suspect, that you were any way engaged in the pursuit of wealth, power, or domination, or for the gratification of lust ; and if it were to be forever unknown to gods and men ; would you behave so ? They deny that the case is possible

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possible. Still, however, it is possible: but I ask, if it were possible which they maintain is not, what would they do? They abide by their opinion with a truly vulgar obstinacy. They deny that the case is possible; and in that they persist. The force of the condition they do not perceive. For, when we ask, if concealment were possible what would they do? we do not ask them whether they could conceal it; but, so to speak, we apply the torture, that if they answer, upon impunity being proposed, they would do what is profitable, they may confess themselves profligate; but if they refuse that they would follow such a course, they admit that every vice from its own nature ought to be avoided. We now return to our subject.

X. MANY cases frequently occur, which, under the aspect of utility, disturb the mind; not when it is considered whether virtue should be deserted with a view to great advantage, for that indeed is immoral; but when it is enquired

quired whether that can be done, consistently with virtue which has the appearance of utility. When Brutus stripped his colleague Collatinus of his power, he might have seemed to act unjustly; for the latter was associate and assistant to the former in the design of accomplishing the expulsion of the tyrants. When, however, the leading men formed the resolution of banishing from the state the relations of Superbus, the name of the Tarquinius, and the memory of monarchy; the measures taken, useful for their country, were so far virtuous, that they ought even to have satisfied Collatinus himself". Utility therefore prevailed, because founded upon virtue, without which indeed utility could not exist. But with the king who founded the city this did not happen. The appearance of utility influenced his mind; for when it appeared to him more profitable to reign alone than along with another, he put his brother to death.—He trampled both upon humanity and affection for a brother, that he might attain that which

seemed an advantage, but which was no advantage in reality. Yet he alleged the pretence of his brother's leaping over his new walls; a show of virtue destitute of probability, and by no means calculated, though true, sufficiently to justify his conduct. With the permission either of Quirinus or of Romulus, therefore, I would say he was guilty of a crime¹².

Neither, however, are our own advantages to be neglected, and resigned to others, when we ourselves need them; but every man ought to consult his own interest, when that can be done without injury to another. Chrysippus, among many other sensible observations, has made the following: "He who runs a race," says he, "ought to struggle and contend with
" all his might, to overcome; but ought by
" no means to push aside with his hand, or to
" trip, the man with whom he contends. So,
" in life, it is not unjust for every man to seek
" for himself that which tends to his advantage;
" tage; but to take any thing violently from
" another is not consistent with justice¹³." Duties

ties, however, are extremely confounded in cases of friendship, in which both to withhold what you justly can, and to bestow what is not just, is contrary to duty. But for every instance of this nature, there is a short and an easy rule; That the things which seem useful are never to be preferred to friendship¹⁴. But a good man will act neither against the state, nor contrary to his oath and trust, for the sake of a friend; not even if he shall sit in judgement upon that friend. For he lays aside the character of a friend, when he assumes that of a judge. So much, however, he will concede to friendship, as to wish rather the cause of a friend to be true, and to accommodate him in the time of making his defence as far as the law can permit. But when he must declare his opinion upon oath, he will remember that he has called God to witness, that is, as I conceive, his own mind, than which God hath bestowed nothing more divine upon man¹⁵. It is therefore a noble custom which we have received from our ancestors,

tors, did we but retain it, to ask the judge to do what he can consistently with his trust. This request, as I have before observed, refers to what can be honestly conceded by a judge to a friend. For, if all were to be done, which friends would desire, such should be considered not friendship but conspiracy. I speak here, however, of the common cases of friendship; for among wise and perfect men, nothing of this kind can take place. The Pythagoreans, Damon and Phintias, we are told, possessed such affection for each other, that when Dionysius the tyrant had appointed the day of execution for one of them, and when he who was doomed to death begged a respite of a few days, that he might recommend his family to some person's care, the other became bail for his appearance; so that if the one did not return, the other must suffer death. When he returned upon the day appointed, the tyrant, admiring his fidelity, solicited to be admitted as a third person, to a share of their friendship¹⁶. When, therefore, that which
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seems useful in friendship is compared with that which is virtuous, the appearance of utility is neglected, and virtue prevails. When in friendship, however, that which is not virtuous is required, religion and fidelity should be preferred to friendship. Thus, that preference of duty which is here the subject of investigation, will be preserved.

XI. UNDER the semblance of utility, public offences are very often committed in a state. Of this kind, was the destruction of Carthage by our fathers. The Athenians acted even with more cruelty, who decreed that the thumbs of the Æginetæ should be cut off, because they were powerful by sea. This appeared to them a useful decree; for Ægina, by its proximity, was too dangerous to the Piræus. But nothing that is cruel is useful; for it is most hostile to human nature, which we ought to obey. Unjustly, too, do they act, who refuse strangers the freedom of cities, and banish them, after the example of Pennus

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among our fathers, and of Papius lately ¹⁷. That a man should be received as a citizen, who is not a citizen, ought not to be allowed; which was passed into a law by two of the wisest consuls, Crassus, and Scævola: but to forbid strangers the freedom of a city, is unquestionably inhumane. Those are honourable acts, in which the appearance of public utility is contemned, in comparison of virtue. With examples of this nature, our state has frequently abounded; but particularly, in the time of the second Punic war; which after the loss sustained at Cannæ, possessed greater courage than was ever known in the times of its prosperity. There was no symptom of fear, no mention of peace. So great is the power of virtue, that it obscures the appearance of utility. The Athenians, when they could no longer withstand the force of the Persians, resolved, after having forsaken their city, and left their wives and children at Træzene, to embark and defend the liberty of Greece with their fleet ¹⁸. They stoned to death

death a man named Cyrillus, who advised them to remain in the city, and receive Xerxes. Yet, he seemed to have in view an advantage; but it was unreal, when in opposition to virtue. Themistocles, after a victory in that war which was carried on with the Persians, declared, in an assembly of the people, that he had formed a design, which would save the state; but that it was improper that it should be publicly made known. He demanded that the people would appoint some person to whom it might be communicated. Aristides was appointed. Themistocles told him, that the fleet of the Lacedemonians, which was laid up at Gytheum, could be secretly set on fire; and when this was accomplished, the power of the Spartans would be unavoidably broken. After Aristides had heard this, he returned to the assembly waiting with great expectation, and said, that the design which Themistocles proposed, was extremely useful, but by no means honourable. The Athenians however, thought that what was
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not virtuous, could not be really useful; and upon the authority of Aristides, they rejected the whole proposal, without indeed having heard it explained. More wisely did they conduct themselves, than we do; who, while our allies are tributary, suffer pirates to escape with impunity¹⁹.

XII. LET it therefore remain a fixed principle, that what is vicious, is never useful; not even when you obtain what you suppose to be useful. The very circumstance of supposing that to be useful, which is vicious, is itself destructive. But, as I have already mentioned, frequent cases of the apparent repugnance of utility to virtue, occur, in which it must be observed, whether they are plainly repugnant to virtue, or whether they can be conjoined with it. Of this kind, are the following questions; if, for example, a good man brought a large quantity of corn from Alexandria to Rhodes, while the latter was in a state of want, famine, or the greatest scarcity:

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if he likewise knew that several merchants had sailed from Alexandria, and observed ships laden with corn, steering to Rhodes: whether should he mention this at Rhodes, or passing it in silence, sell his corn at as high a price as it would bring. We suppose him to be a wise and a good man; and we enquire concerning his deliberation, and determination. He would not conceal the information mentioned, if he thought it base; but he might doubt, whether concealment would be base. In cases of this kind, Diogenes the Babylonian, a great and a venerable Stoic philosopher, used to be of one opinion; Antipater his disciple, a most acute man, of a different²⁰. The latter thought that all circumstances should be laid open, that the buyer should be made acquainted completely with what the seller knew. The former, that the seller, as far as it was established by civil law, ought to discover defects, but in other respects to act with honest views; and, since he exposed a commodity to sale, to be disposed to receive the highest price he could

could obtain. I have imported an article for the market, he may say; I have exposed it to sale; I sell my property at no higher price than others, and perhaps at a less, when there is a greater abundance; to whom is injury done? On the other side, Antipater reasons: What say you? Since you ought to consult the interest of men, and contribute to the advantage of human society, by that law under which you are born, and have those principles in your nature, which you ought to obey and to pursue, that your's may be the common advantage, and the common advantages your's; will you conceal from men, that there is a seasonable abundance near! Diogenes will perhaps answer thus, It is one thing to conceal, and another to be silent: neither when I do not explain to you the nature of the gods, or the supreme good, do I conceal them from you; subjects, which it would be more profitable for you to know, than the price of wheat. But whether is it necessary for me to tell you, what it would be useful for you to know? Certainly indeed,
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the other will say, it is necessary; if you remember that men are united with each other by nature. I remember this, it will be replied: but whether is that society such that every man should have nothing of his own? If this be the case, then nothing ought to be sold, but bestowed as a present.

XIII. THROUGH the whole of this question, you see it is not said, though this be vicious, yet I will do it, because it is profitable; but that it is so far profitable, as it is not vicious. On the other side it is said, that it ought not to be done, because it is vicious. Should a good man sell a house, on account of some defects which he himself knows, and of which others are ignorant; should it be unhealthy, but esteemed the contrary: should it not be known that serpents infest every chamber; should it be built of bad materials, and ruinous; and no man know this but the owner: I ask if the seller should not mention these circumstances to the buyers, and sell it for much

much more than he thought it would bring, would he act unjustly or wickedly? Certainly, says Antipater. For what else is it, than not to point out the way to a wanderer, which at Athens, was punished with public execrations; if this is not to suffer the buyer to rush into error, and to be involved in the greatest fraud? It is more than not to point out the way. For it is knowingly to lead another into an error.

Diogenes, on the other hand, asks, Did he force you to buy it, who did not even offer encouragement? He advertised for sale what he did not like; you bought what was not agreeable to him. But if those who propose to sale "A good house and well built" do not imagine that they deceive, even though the house be neither good nor well built; much less do they who have not commended their house. For where the buyer relies on his own judgement, what fraud can there be on the part of the seller? If there be no obligation to perform all that is said, do you suppose

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pose that what is not expressed ought to be done. What is indeed more foolish than for the seller to mention the defects of that which he sells? What would be so absurd, as that the crier should thus proclaim by the order of the proprietor: "I sell an unhealthy house." Thus, therefore, in some doubtful cases, virtue is defended on the one side; while on the other, the advocates for utility maintain that it is not only virtuous to do that which seems useful, but even vicious to neglect it. This is that difference which often seems to occur between utility and virtue. The difference in such cases ought to be decided: for we have not proposed them as subjects of curious enquiry, but of practical explanation. It does not therefore appear, that either the corn merchant ought to have concealed from the Rhodians, nor the owner of the house from the buyers, the circumstances mentioned. For silence upon any subject is not concealment; but it is concealment, when you wish those, whose interest it is to be informed, to remain ignorant of what

what you know, for the sake of your own emolument. Who does not see, however, the nature of such concealment, and the character of the men who practise it? It is certainly not the character of the open, the plain, the ingenuous, the just, and the good man; but rather of the evasive, the dark, the crafty, the deceitful, the knavish, the cunning, and the artful.

Is it not pernicious to incur the imputation of so many, and of many other vices like these?

XIV. But if they are to be blamed who, on subjects of this kind, have kept silence, what are we to think of those who on such occasions have employed falsehood. C. Cannius, a Roman knight, not destitute of humour, and possessed of considerable erudition, when he withdrew to Syracuse for retirement, not for business, as he himself was wont to say, gave out that he wished to purchase a villa, where he might entertain his friends, and amuse himself without interruption. When this circulated,

a man named Pythius, a banker at Syracuse informed Cannius that he had indeed no villa to sell, but if he chose he might have the use of that which he possessed; and at the same time invited him to sup at the villa the following day. After Cannius had accepted the invitation, Pythius, who as a banker possessed great influence among all ranks, called to him fishermen, and asked them to fish the next day before the villa, and told them what he wished them farther to do. Cannius came to supper at the time appointed. A sumptuous entertainment was provided by Pythius. A number of boats were in front of the villa. Each of the fishermen separately brought what he had taken; and the fishes were thrown down at the feet of Pythius. Cannius then said, Pray, how is this Pythius? So many fishes! So many boats! What wonder? replied Pythius: All the fish that supply Syracuse are taken here; from hence the city is supplied with water: This villa they could not want. Cannius, inflamed with desire, insisted that Pythius would sell it.

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He was averse to the proposal at first, at length the request was obtained. This eager and rich man bought the villa, with all that belonged to it, for the price which Pythius chose to ask. He gives security for the payment, and closes the transaction²². Cannius invited his friends thither the day after. He came early himself. He sees no boat. He asks the next neighbour, when he observed no fishermen, whether it was some holiday with them? None, says the neighbour that I know, but here no person is accustomed to fish, and I was wondering yesterday what had happened. Cannius began to rage. But what could he do? For Aquillius my colleague and friend had not yet published his formulæ concerning *dolus malus*; in which, when he was asked what was meant by *dolus malus*; he answered, "When one thing was pretended and another done"²³." This was a description truly perspicuous, and worthy of a man skilled in definition. Pythius therefore, and all men who do one thing and pretend another, are perfidious, wicked, and deceitful. No action of theirs, consequently,
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can be useful, when it is stained with so many vices.

XV. If the definition of Aquilius be true, pretence and dissimulation ought to be banished from the whole course of human life. A good man, therefore, will neither offer any pretence, nor practise any concealment, either that he may buy or sell to greater advantage. Besides, this evil design was punished by the laws, as in the instance of guardianship, by the twelve tables, and in that of the circumvention of minors by the law of Lætorius; and by the decrees of courts of equity where there was no law, in which there is added *ex bona fide*²⁴.

In other decrees likewise, the following words are very excellent, as in the case of arbitration respecting a wife's dowry, *melius æquius*; or in that of security, *inter bonos bene agier*²⁵. What then? Could any portion of fraud be found in the case in which it was decreed, *melius æquius*? or could any thing be done deceitfully or cunningly, when it is declared *inter bonos bene*

agier? Evil design according to Aquillius is implied in pretences. No lie therefore ought to have a place in contracts. Neither will the seller bring a person to mislead another by bidding high, nor the buyer, one to cheapen by bidding low. Each of them, if he come to offer a price, should not offer more than once.

Q. Scævola indeed, the son of Publius, when he demanded at one word the price of an estate which he meant to purchase, the seller complied. Scævola said he himself valued it higher, and added to the price required a hundred thousand sestericii³⁶. No person will deny that this was like a good man; but all will deny that it was like a ^{wise} man: It was just as if he had sold his own property for less than its value. This therefore is that pernicious opinion which leads men to think that some are good and others wise. Hence, Ennius says, That a wise man by no means deserves that name, who cannot do good to himself. This is indeed true, if Ennius and I can agree in what is to be understood by doing good to one's

one's self. I observe Hecaton the Rhodian, a disciple of Panætius, maintains in those books which he wrote upon duty for Q. Tubero, That a wise man doing nothing contrary to the customs, laws, and institutions of his country, ought to attend to his own fortune²⁷. For we do not desire to be rich for ourselves only, but for our children, relations, and friends, and especially for the state; because the influence and wealth of individuals are the riches of a state. The conduct of Scævola, which we have very lately mentioned, can by no means be approved by Hecaton. For he who in general refuses to do that for his own advantage only, which is not permitted by the law, ought to receive neither our thanks nor great praise. But whether pretence or dissimulation be evil intent, there are very few cases in which this evil intent does not exist: Or whether he be a good man who benefits those whom he is able, and hurts nobody, certainly such a man we do not easily find. Never therefore is it useful to commit an offence, for it is always vicious; and

because it is always honourable to be a good man, it is always profitable.

XVI. With regard to the rights enjoyed in the manner of selling estates, it was enacted by our civil law, that in the sale, the defects should be mentioned which were known to the seller. For as by the twelve tables it was sufficient that those defects should be compensated which were expressly mentioned, and which he who refused, suffered double punishment; a farther punishment was appointed by the lawyers for such as were passed over in silence. Whatever defect therefore accompanied an estate, they decreed that it should be compensated, if the seller knew it, and if it had not been particularly specified. Thus, when the augurs were about to take their observations upon the Capitoline Hill, they ordered Ti. Claudius Centumalus, who had a house upon the Cælian hill to demolish it, because its height obstructed their view. Claudius put a ticket up-

on the house and sold it; and P. Calpurnius Lanarius was the purchaser. The same order was given to the latter by the augurs. When Calpurnius therefore demolished the house, and was informed that Claudius had advertised its sale after he had been commanded by the augurs to demolish it, he brought an action of damages against him before the arbiter²⁸. M. Cato pronounced sentence; the father of my contemporary of the same name; for as others receive their name from their fathers, so the father of this illustrious character ought to derive a name from his son. The sentence therefore was to this purpose, that he who knew such a circumstance, and did not declare it, ought to pay the damages to the buyer.

He found, therefore, that it was essential to good faith, that the defect which the seller knew should be known to the buyer. But if his judgement was right, both the corn merchant, and the seller of the unhealthy house already mentioned were wrong when they kept silence. But all instances of silence of this na-

ture cannot be comprehended in the civil law; but such as can be comprehended are diligently observed. M. Marcus Gratidianus, my relation had sold to C. Sergius Oratas that house which he himself had bought from the same man a few years before. The house was held in tenure from Sergius; but this Marcus had not mentioned in the transference, Crassus supported the claim of Oratas, and Antonius defended Gratidianus. Crassus urged the law which requires that those defects should be compensated which the seller knew, and had not mentioned: Antonius pleaded equity in defence: that nothing was necessary to be mentioned since that defect was not unknown to Sergius who had sold the house: Neither was Oratas deceived, who recollected the conditions under which that which he had bought could be possessed. But to what purpose is this? That you may know that the crafty have not been approved by our ancestors.

XVII. But the laws repress cunning in one

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way

way, and philosophers in another. The laws operate as far as they can restrain by force, philosophers possess influence, as far as it reaches by reason and intelligence. Reason therefore demands that nothing be done infidiously, hypocritically, or fallaciously. Is it not infidious to lay a snare, though you neither spring the game nor drive them into it? For the game of themselves often fall into it though there be no pursuer. Thus you advertise a house for sale, put a ticket like a trap upon it, part with it because of its defects, and some man imprudently rushes into it. Though I observe that this is neither held base from the prevalence of custom and depravation of manners, nor forbidden by either written or unwritten law; yet it is condemned by the law of nature. For as it has been often mentioned, and ought yet oftener to be mentioned, there is an intercourse of men with men which reaches to the utmost extent; a nearer which unites the members of the same nation; and a still closer that connects those of the same city. Our ancestors therefore

therefore conceived the law of nations to be one thing, and civil law another. What is civil law is not therefore the law of nations; but what is the law of nations ought also to be the civil law. But we possess no solid and express representation of real law and pure justice; we enjoy its shadow and resemblance. These I wish we could pursue; for they are copied from the best examples of nature and of truth. For how valuable are these words! "That I should not be ensnared or defrauded on account of you or your credit." How precious are these? "That good men ought to act toward each other honourably, and without attempting to defraud." But who are good men, and what it is to act honourably, is an important question. Q. Scævola, indeed, the high-priest said, that in all cases of arbitration, with the addition of *ex bona fide*, there was the greatest force; that the expression extended very widely, and was employed in cases of wardship, companies, trust, commissions, purchases, sales, things hired or let, and those things by which the intercourse
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of life was supported : and in these, it was the duty of a great judge to determine what every man ought to perform to another, especially since on most of them there were different opinions. Deceit therefore, and that mischievous cunning ought to be eradicated, which courts the appearance of prudence, but which is extremely remote from it ; For prudence consists in distinguishing between good and evil ; cunning prefers evil to good, if all that is vicious be really evil. Nor indeed, only in the case of estates, does the civil law, derived from nature, punish cunning and fraud ; but even in the sale of slaves, all fraud on the part of the seller is excluded ; for he who ought to be acquainted with their health, disposition to desert, or to steal, makes reparation by the edict of the *Ædiles*²⁹. The case of an heir is different. Hence we understand, that since nature is the fountain of justice, it is according to nature that no man prey upon the ignorance of another. Nothing can be found more pernicious to life, than a pretended knowledge accompanied with
artifice.

artifice. Hence arise those innumerable cases in which what is useful seems to oppose what is virtuous. For how few will be found, who on the prospect of complete secrecy and impunity could abstain from injury?

XVIII. Let us, if you please, try the truth of the observations now made in those examples, in which the common herd of mankind perhaps suppose there is no guilt. We are not to speak here of assassination, poisoning, forging of wills, theft, peculation, crimes not to be repressed by words or disputation, but by chains and imprisonment: But let us consider the actions which they perform who are esteemed good men. Some persons brought a forged will of L. Minucius Basilus, a rich man, from Greece to Rome. That they might the more easily succeed, they made M. Crassus, and Q. Hortensius, the most powerful men of that time joint heirs with themselves; who, though they suspected its falsehood, yet being conscious of no personal fault in the case, they did not re-
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ject the poor offering of the crime of others. What then? Was not this enough that they themselves did not seem delinquents? To me it does not appear in this light; though I loved the one while alive, and do not hate the other after his death. But when Basilus wished M. Satrius, his sister's son to bear his name, and made him his heir, declaring him lord of his Picene and Sabine farm; shameful opprobrium of those times³⁰! was it just, that some leading citizens should have the estate, and nothing but the name descend to Satrius? For if he who does not resist nor repel an injury when he is able, acts unjustly, as I have shown in the first book; what is he to be considered who not only does not repel, but even aids the commission of an injury? To me, indeed, a true inheritance does not seem honourable, if it be obtained by deceitful and fawning offices; not by rectitude of conduct, but by pretences.

In such affairs, however, one thing appears sometimes profitable, and another usually virtuous: but falsely, for the rule of utility and of
virtue

virtue is the same. He who does not thoroughly see this, will abstain from no fraud, and from no crime. For he who thinks that one thing is virtuous, and another profitable, will dare erroneously to separate things connected by nature, which is the source of fraud, and of mischief, and of every crime.

XIX. If a good man, therefore, had the power to insert his name secretly in the wills of the rich with the utmost ease and dexterity, he would not avail himself of it, not even if he were convinced, that no man could ever suspect it. But should you give this power to M. Craffus, that he might in a moment be enrolled an heir where he possessed no claim whatever; believe me, he would dance in the forum³¹. A just man, however, and he whom we conceive a good man, would take nothing from another which he might transfer to himself; a conduct which he who admires, let him confess that he is ignorant of what is meant by a good man. But if any chuse to evolve the complicated conceptions

ceptions of his mind, he may soon inform himself, that he is a good man who benefits those whom he is able, and hurts none, unless he be provoked to it by injury. What then? Does he no harm who, as if by magic, succeeds in displacing true heirs that he may occupy their room? Should he not do, some will say, that which is useful and expedient? Yes, but let him understand that nothing is either expedient or useful which is unjust. He who has not learned this cannot be a good man. When a boy, I remember to have heard from my father, that Fimbria a man of consular rank was judge in a case in which M. Lutatius a truly virtuous Roman Knight pledged a sum of money that he would be found a good man. Fimbria however observed to him that he would never fit in judgement upon such a case, lest he should either deprive an approved man of his reputation, if he decided against him; or should seem to pronounce that any individual was a good man, because this character comprehended innumerable duties and virtues. It can by no means

means appear to this good man, whom even Fimbria, and not Socrates alone conceived, that any thing is useful that is not virtuous. Such a man, therefore, will not venture to do, and not even to think any thing which he would not dare to disclose. Is it not base for philosophers to doubt that which even peasants admit? from whom has arisen what is grown through time into a proverb: For when they commend the fidelity and goodness of any man, they say, You may play at even and odd with him in the dark. What can this mean, but that nothing is profitable that is not consistent with propriety, even though you could obtain it unknown to the world? Do you not see from this proverb, that there can be no apology for Gyges formerly mentioned, nor for that man whom we recently supposed able to sweep every inheritance into his own possession with the utmost quickness and ease. For as that which is vicious, though concealed, can by no means become virtuous: So that which is
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not virtuous cannot be made useful in direct opposition to nature.

XX. WHEN temptations are very great, there is an inducement to commit crimes. C. Marius, when he had entirely abandoned the hope of the consulship, and remained seven years after his prætorship in obscurity, and seemed to direct his views to consular preferment no longer; being sent to Rome by his general, Q. Metellus, whose lieutenant he was, he accused, before the Roman people, that distinguished man and worthy citizen, of protracting the war; and added, if they made him consul, in a short time he would deliver Jugurtha into their hands either dead or alive. He was accordingly made consul; but he departed from his trust and from justice, in bringing under odium, by false accusation, a most excellent and venerable citizen, whose lieutenant he was, and by whom he had been sent to Rome on commission.

Nor did my relation, Gratidianus, discharge the duty of a good man, while he was prætor,

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when the tribunes of the people held a consultation with the college of prætors, with a view to fix the value of money by common consent; for the value of money was then so variable, that no man could know what he possessed. They made an edict with common consent, fixing a penalty, and allowing prosecution; and they resolved that all of them should together go down into the forum in the afternoon. In the mean time, they all departed to different places, except Marius, who went directly from the assembly to the forum, and singly announced what had been agreed upon by common consent. This circumstance, if you enquire into the issue, brought him great honour. Statues of him were erected in every street; at each of them frankincense and tapers were burnt; in short, no man was ever more beloved by the multitude. —These are the circumstances, which sometimes confound us, when that in which equity is violated seems small, and that which is produced from it, very great. Thus, for Marius to snatch popular favour prematurely from his colleagues, and from

from the tribunes of the people, was but a slight offence ; but from this circumstance, to be made consul, the object he had then in view, appeared extremely profitable. But there is one rule for all cases, which I wish to be perfectly familiar to you ; and it is, that what seems useful should not be vicious ; or if it is vicious, it ought not to appear useful. What then ? Can we think either Marius or Gratidianus a good man ? Investigate and examine your own thoughts, that you may see what idea, character, or conception of a good man they present. Does it consist with the principles of such a man, to lie for his own advantage, to accuse, to over-reach, to deceive ! Nothing indeed is less consistent. Is there then any thing so important, any advantage so desirable, that for it you would lose the name and the dignity of a good man ? What is there, which that which is called utility can bring, so great as that which it takes away when it strips you of a good name, and deprives you of credit and integrity ? What is the difference whether a man changes himself from a man into a brute, or under the shape of

a man, carries with him the ferocity of a wild beast?

XXI. THEY who neglect all rectitude and virtue that they may attain power, do they not pursue the same course as he did, who wished even to have that father-in-law by whose audacity he might become powerful³². It appeared useful to the one to have supreme power, through the odium incurred by the other; but he did not observe how unjust this was to his country, how base and how pernicious. The father-in-law was always repeating Greek lines from Phœnissæ, which I shall translate as I am able; inelegantly, perhaps, but so however as that the subject can be understood; "For, if justice, said he, is to be violated for the sake of power, it must be violated: in every other thing cultivate affection for your country."—Eteocles or rather Euripides was criminal, who excepted this one offence, which of all others is the most atrocious³³. Why then do we collect inferior offences respecting the frauds committed in cases of inheri-

tance, of commerce and of sales? Behold the man, who eager to become king of the Roman people and lord of all nations, has accomplished his object³⁴! If any man say this desire is honest, he is mad. For he approves the ruin of laws and of liberty; and supposes the black and detestable suppression of them, glorious. He, however, who confesses, that it is not honourable to reign in that state which has been, and which ought to be free; but that it is profitable for him who can attain it; by what rebuke or reproach should I endeavour to devert him of so great an error? For, ye immortal gods! can the parricide of one's country, the most shocking and execrable of crimes, be useful to any man; though he who is guilty of it may be called the father of his country by his oppressed citizens? Utility, therefore, is to be guided by virtue, and indeed so, that these two words, though they differ in name, may appear to mean the same thing. I do not admit, according to the vulgar opinion, that there cannot be a greater advantage than that of sway³⁵: on the contrary, I find

when I begin to recal reason to truth, that there is nothing more pernicious to him who has obtained it unjustly. For can vexation, solicitude, fear night and day, a life full of snares and dangers, be profitable to any man? "Many" says Accius, "are hostile and faithless to kings, few are friendly³⁶." But to what kings? It was to those who succeeded by right to the throne transmitted from Tantalus and Pelops. How many more then do you suppose unfriendly to that king, who enslaved the Roman people with their own army, and forced a state which was not only free, but even commanded the nations, to submit to his yoke³⁷? Do you think that this man possesses a clear conscience? What stings of remorse must he feel? How can life be pleasant to him, when held upon this condition, that whoever shall take it away will rise to the greatest favour and glory³⁸: But, if these things are not profitable which seem most so, because they are full of disgrace and turpitude, we ought to be fully persuaded that nothing is useful that is not virtuous.

XXII. THIS

XXII. THIS indeed has been confirmed often upon other occasions, but particularly in the war with Pyrrhus, by C. Fabricius, then consul a second time; and by our senate. When King Pyrrhus waged war with the Roman people, and when the contest was for empire with this generous and powerful adversary, a deserter came from him to the camp of Fabricius, and promised, upon receiving a reward, to return to the camp of Pyrrhus with the same secrecy with which he came from it, and to despatch his sovereign with poison. Fabricius ordered him to be conducted back to Pyrrhus: and for this he was applauded by the senate. If, however, we pursue the appearance or the common opinions of utility, one deserter would have terminated that bloody war, and destroyed a formidable adversary of the empire: but, it would have been a lasting disgrace, and a crime, to have conquered that man, not by virtue but by vice, with whom there was a struggle for glory. Whether, therefore, was it more profitable, either for Fabricius who held the same character in this city that Aristides did at Athens,

or for our senate, who never separated utility from dignity ; to contend with an enemy by arms or by poison ? If empire is to be desired for the sake of glory, avoid guilt in which there can be glory : but, if power itself is desired by any means, procured with infamy, it cannot prove useful. The opinion, therefore, of L. Philippus, the son of Quintus, was not useful, which advised that the cities which L. Sylla, upon receiving money, exempted from the decree of the senate, should again become tributary : and that we should not restore the money which they had paid for their exemption. The senate gave their assent : but it was a disgrace to the empire, for the faith of pirates was better than that of the senate³⁹. But the revenue was increased ; and it was therefore useful. How long will men dare to call any thing useful that is not virtuous ! Can odium and infamy be useful to any empire, which ought to be supported by glory and the good will of allies ? Often upon this subject have I differed even with my friend Cato ; for he seemed too rigidly to defend the treasury and
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the taxes ; to refuse every thing to the farmers of the revenue, and much to the allies ; particularly when we should have been beneficent to the latter, and have treated the former as we are accustomed to treat our husbandmen, and even with more indulgence, because such a union of the different orders tended to the safety of the state. Ill did Curio advise, when he said, that the petition of the inhabitants beyond the Po was just ; and always added farther, " Let utility prevail." He ought to have said, that it was not just, for it was not useful to the state ; rather than to say it was not useful, when he confessed that it was not just⁴⁰.

XXIII. THE sixth book of Hecaton's treatise on duty is full of such questions as the following⁴¹ ; Whether a good man, in a time of very great scarcity, ought to refuse subsistence to his slaves ? He argues upon both sides of the question ; but at last throws the balance more upon the part of interest than of humanity. He asks, if a loss must be sustained at sea, whether a
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man would rather throw overboard a valuable horse or an useless slave? Here fortune draws one way and humanity another. If a fool seize a plank in a shipwreck, should a wise man force it from him if he be able? He denies that he should, because it is unjust. What may the master of the ship do? Shall he not seize his own? By no means; no more than throw a man from the ship into the sea, because the ship is his own. For till the ship reach the place to which it was hired, it does not belong to the master but to the passengers. But, if there were only one plank, and two wise men perishing by shipwreck; should neither of them seize it, or should the one resign it to the other? Resign it certainly; but to him who has a greater interest in preserving life either for his own sake or for that of the state. But what if both had equal claims to the continuance of life? Then there will be no distinction, but after such expedients as lots or chance, the one who is cast ought to yield to the other. What, if a father should plunder temples, or dig a passage under ground into the treasury;

treasury, ought a son to discover this to the magistrates? It would certainly be a crime. On the contrary he ought even to defend his father if he be accused. Should not then duty to our country outweigh every other? No, indeed; for it is beneficial to our country itself to have citizens affectionate to parents. What, if a father should endeavour to usurp absolute power, or betray his country? Should his son be silent? No, certainly; he will beseech his father not to make the attempt. If he should not prevail, he will chide and even threaten him. At last, if things be tending to the destruction of his country, he will prefer his country's safety to that of his father.

—Hecaton asks too, if a wise man shall receive unawares counterfeit for good money; when he discovers it, should he give it in payment for good, if he owe money to any man? Diogenes gives his assent; Antipater refuses it; and with the latter I rather agree⁴². He who sells wine that will not keep, and knows it; ought he to mention it? Diogenes does not think it necessary: Antipater thinks it the duty of a good man.

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These are controverted rights among the Stoics. —In the sale of a slave ought his faults to be mentioned? I do not mean those, which, unless you mention, the slave is returned by the civil law; but such as that he is a liar, a gamester, a thief or a drunkard. To one, it appears that they ought to be mentioned; to another that they ought not.—If a man selling gold should suppose that he is selling brass, ought a good man to inform him that it is gold, or ought he to buy for a denarius what is worth a thousand?—It is now evident what my opinion is, and what controversy subsists between the philosophers whom I have mentioned.

XXIV. ARE pactions and promises always to be kept, which, as the Prætors used to speak, are made neither by violence nor with mischievous intention? If any man should give a medicine to another for the dropsy, and should agree with him never to use the same medicine afterwards; if, the latter shall be cured by it, and some years after fall into the same disease, and
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not obtain from him with whom he had made the agreement, permission to use it a second time, what ought he to do? Since he who at first granted the medicine is inhumane, and receives no injury, the other ought to consult for his life and his safety⁴³. If a wife man is desired by a person who makes him his heir, and leaves him by will, a large fortune, before he enter to his inheritance, to dance in the forum publicly in open day; and this he promises to do, because otherwise he would not have been made heir; should he perform his promise or not⁴⁴? It would have been better had he not made the promise; and this, I conceive, would have been suitable to his own dignity. Since he promised, however, and if he considered it dishonourable to dance in the forum, he would break his word with more credit by not accepting the legacy: except perhaps he could convert the money to some great advantage for the state. And thus it might not be dishonourable, even to dance, while he consulted the good of his country.

XXV. THOSE promises are not to be kept, which are pernicious to the persons to whom you have made them. Thus, to return to fables; Sol declared to his son Phæton that he would do whatsoever he desired; and the son wished to mount his father's chariot. He mounted, but he was consumed with lightning where he stood⁴⁵. How much better had it been, if in this instance the promise of the father had not been observed. Why was it that Theseus obtained the promise from Neptune? After Neptune had granted him three wishes, he chose the death of his son Hippolytus; because he suspected his son of criminal correspondence with his stepmother. Upon obtaining his desire Theseus was thrown into the deepest affliction.—What are we to say of the case of Agamemnon, who when he had devoted to Diana whatever might be produced most beautiful in his dominions for that year, sacrificed Iphigenia, the most beautiful woman born during that period. A promise should not have been performed rather than a horrid crime committed. Promises therefore are sometimes not to
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be performed, nor are deposites always to be restored. If any man found in mind should deposite with you a sword, but seized with madness demand it back; it would be a crime to restore, and a duty to refuse it. Should a man who has deposited money with you make war upon his country, would you restore the money? You would not, I believe: for you would thus act against the interest of the state, which ought to be most dear to you. Thus many things, which appear virtuous in themselves, from circumstances cease to be virtuous. To perform promises, to abide by agreements, to restore deposites, upon a change of their utility are no longer virtuous.

Of those things which seem useful upon the pretence of prudence, but which are contrary to justice, I think I have said enough. But since, in the first book, we have derived duty from four sources of virtue, we shall here confine ourselves to these, and show how hostile to virtue those things are which have the appearance of utility without the reality. And of prudence which
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craft is apt to imitate, and likewise of justice, which is always useful, we have already treated. There remain for consideration, two parts of virtue, of which the one is observed in the greatness and excellence of an elevated mind, the other in the habits and rules of temperance and moderation.

XXVI. It appeared useful to Ulysses, as some tragic poets have told us, for Homer a poet of the highest authority has insinuated no such suspicion; it appeared, I say, useful to Ulysses, according to the charge of those poets, to pretend madness from a wish to avoid military service at Troy. The design was not honourable. But as some perhaps will say, it was useful to reign, to live at ease in Ithaca with his parents, his wife and his son. Do you think that any honour in daily labours and dangers should be compared with this tranquillity? In my opinion, however, this ought to have been despised and rejected; because I conceive the tranquillity not really useful, which is not honourable. What do you suppose

suppose would have been said of Ulysses, if he had persevered in that pretence? who, after the greatest exploits performed in the war, received the following reproaches from Ajax: "Of the oath which he himself proposed, as you all know, he alone has neglected the obligation. He pretended to be mad, and determined not to join the army. Had not the penetrating prudence of Palamedes detected his crafty effrontery, he would have eluded an oath binding to perpetual fidelity." It was better for him to wage war not only with an enemy, but with the seas, as he did, than to desert Greece uniting in hostilities against barbarians⁴⁶. But let us pass over fabulous and foreign details, and come to the authentic history of our own country. M. Atillius Regulus, during his second consulship, was surprised, and taken prisoner, by Xanthippus, the Lacedemonian general in Africa, when Hamilcar, the father of Hannibal, was commander in chief⁴⁷. He was sent to Rome to the senate, after having taken an oath, that, unless certain noble captives were restored to the
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Carthaginians, he should himself return to Carthage. When he came to Rome, he observed the appearance of utility in his mission; but, as the event declares, he conceived it no more than an appearance. Such was his situation; and who would deny that it was profitable to remain in his native country; to be at home with his wife and children; and, judging the calamity he had sustained the common fate of war, to retain the rank of consular dignity? What is your opinion?—Greatness of mind and fortitude deny that it was profitable.

XXVII. COULD you ask more ample authorities than these?—It is the property of such virtues, to fear nothing; to despise all human things; to think nothing intolerable that can happen to man. What then did Regulus do? He came into the senate, and laid before them his commission: he refused to give his opinion; for he was not a senator as long as he was bound by an oath to an enemy. And in that celebrated speech, which some will declare foolish, and repugnant

pugnant to his own interest, he denied that it would be an advantage to restore the captives; for they were young men and able generals, but he was now wasted with age. When his influence prevailed, the captives were retained, and he returned to Carthage; and neither the love of his country, nor affection for his family and friends, detained him⁴⁸. Nor was he then ignorant that he was returning to a most cruel enemy, and to exquisite punishment: but he thought his oath was to be kept. His condition, therefore, was better, even when put to death by watching, than if he had remained at home an old captive and a perjured nobleman. But it was folly, it may be said, not only to give his opinion against restoring the captives, but even to dissuade the measure. How, folly? Was it folly, if the advice was conducive to the public welfare? Can that be profitable for any citizen, which is detrimental to the state?

XXVIII. MEN prevert the fundamental principles of nature, when they separate utili-

ty from virtue. For we all eagerly desire what is useful; we are strongly impelled to it; nor are we able by any means to do otherwise. For who is there who avoids what is profitable, or rather, who does not most eagerly pursue it? But, since we are not able to find it, unless in approbation, honour, or virtue, because we esteem these the first and the best of all things; the name of utility we consider not so splendid as necessary⁴⁹. What is there, some will say, in an oath? Do we fear angry Jove? But to believe that he is neither angry, nor does hurt, is common to all philosophers, not only to those who hold that the God is indolent and inactive, but to those also who maintain that he is always active and employed⁵⁰. What more harm, however, could angry Jove do, than Regulus did to himself? It was no power of religion, therefore, that perverted so great an interest. Was it that he might not act basely? In the first place, it is said, he should have chosen the least of evils. Whether, therefore, did the disgrace of perjury carry with it so great an evil as the torture

ture he endured? In the next place, attend to the famous sentiment of Accius, which, though expressed by an impious king, was yet well said: "You have broken your faith; I neither have, given nor do I give a promise to the faithless". They add farther, as we maintain, that, as some things appear useful, which are not useful; so they affirm that some things appear virtuous which are not virtuous. Thus, it appears virtuous, in obedience to an oath, to return to torture: but it becomes not virtuous; because what was extorted by the violence of an enemy ought not to have been fulfilled. They add still farther, that whatever is very useful becomes virtuous, even though it did not appear so before. These are the arguments generally alleged against the conduct of Regulus. Let us examine them in order.

XXIX. It was not to be feared lest Jupiter should hurt in his anger; because he is not accustomed to be angry nor to hurt. This reason is not more valid against the oath of Regulus

than it is against every other oath. But in an oath it is not fear, but the obligation, which ought to be regarded. For an oath is a religious affirmation; and whatever you solemnly promise, by calling God to witness, ought to be performed. It has therefore no reference to the wrath of the gods, which has no existence; but to justice and fidelity. Nobly did Ennius then exclaim; "O bountiful Faith, adorned with wings, and the oath of Jove." He therefore who violates an oath, violates Faith, which our ancestors, as you find in the oration of Cato, placed in the Capitol, near the statue of Jupiter, the greatest and best of beings. But farther, angry Jove could not have hurt Regulus more than Regulus hurt himself. True, if there were no evil but pain. Pain only, however, as philosophers of the greatest authority affirm, is not the greatest, but no evil whatever. Do not, I beseech you, slight the evidence of Regulus in this case; for it is not small, and perhaps of the greatest weight. For what ampler proof do you ask, than that of a leading man among the
Roman

Roman people, who, for the sake of discharging his duty, underwent voluntary torture. But, according to the common observation, we ought to chuse the least of evils ; that is, better behave basely than bear misfortune. Can any misfortune be greater than dishonour? If deformity of body be offensive, how much more offensive ought the depravation and dishonour of a corrupted mind to appear? Those, therefore, who speak decidedly upon this subject, boldly affirm, that alone to be evil which is base; but they who speak more loosely do not hesitate to say that it is the greatest evil. The following sentiment, therefore, was well applied by the poet; "I neither have given, nor do I give a promise to the faithless;" because when Atreus was introduced, his character was to be supported⁵². But if men assume this as a principle to themselves, that no promise ought to be kept which is made to the faithless, let them beware lest it be employed as a subterfuge for perjury. There are even rights of war: and the obligation of an oath is often to be kept

with an enemy. Whenever an oath is made, such that your conscience tells you it ought to be observed, it is your duty to observe it; but otherwise you are not perjured though you should not observe it. Thus, should you not pay the price promised to robbers for your life, there is no fraud committed, not even though you promised upon oath, and did not perform your promise. For a pirate is not comprehended in the list of enemies, but he is the common adversary of all men. With him neither faith nor an oath ought to be kept. To swear, and not to perform, is not to be guilty of perjury; but not to do what you swear "from the sentiment of your heart," according to our form, is perjury⁵³. Well has Euripides expressed this: "I have sworn with my tongue; I bear a mind free from an oath." It would not, however have been the duty of Regulus to violate the rights and the terms of war, by perjury. He had to do with a just and a lawful enemy, with regard to whom there is in force the whole Feacial law, and many laws common to all nations. If it had not been so, the senate would

would never have delivered up distinguished men in chains to an enemy.

XXX. T. VETURIUS and Sp. Posthumius when consuls a second time, were delivered up to the Samnites, because without orders from the people and senate, they had made peace with them, after the defeat at Caudium and the subjugation and disgrace of our legions. At the same time Tib. Numicius and Q. Mælius, who were then tribunes of the people, because the peace was concluded by their authority, were delivered up, that the treaty with the Samnites might be rejected. Of this surrender Posthumius himself, one of the number, was the adviser and author. The same happened many years after, in the case of C. Mancinus, who, that he might be surrendered to the Numantians with whom he had made a league without the authority of the senate, advised that bill which L. Furius and S. Attilius proposed according to a decree of the senate; which being past, he was delivered up to the enemy. He behaved with
more

more honour than Q. Pompey, who being concerned in a cause of the same nature, deprecated a surrender, and the bill was rejected⁵⁴. With Pompey the appearance of utility had more influence than virtue: In the former instances, the false appearance of utility was surpassed by the authority of virtue. But to return to Regulus, he ought not, it is said, to have performed what was extorted by force. This supposes that force could be used with a brave man. Why, therefore, it is added, did he go to the senate, especially when he was to dissuade the restoration of the captives? This is to censure his greatest excellence. He did not depend upon his own judgement, but undertook the cause that the senate might determine: and unless he had advised the measure, the prisoners would certainly have been restored to the Carthaginians; and Regulus might thus have remained safe in his native country. But since he thought this injurious to the state, he therefore believed it honourable

ble for himself both to entertain these sentiments, and to suffer the consequences. It is farther urged, that what is extremely useful becomes virtuous: On the contrary, I maintain that it may be useful in its own nature, but cannot become so. For there is nothing useful that is not also virtuous; nor is it virtuous because it is useful; but because it is virtuous it is useful. Of many wonderful examples therefore, scarcely can any be mentioned more excellent or more laudable than that of Regulus.

XXXI. IN the encomium now bestowed upon Regulus, this one circumstance is worthy of admiration, that he gave it as his opinion that the prisoners should be retained. For that he returned appears wonderful to us at the present day; in those times, however, he was not able to act otherwise^{ss}. This praise belongs not to the man, but to the times. For our ancestors conceived no tie more binding than an oath in confirmation of a promise. This appears
by

by the laws of the twelve tables, by the *leges sacratæ*, by leagues in which a promise even to an enemy is held binding; in the judgments pronounced, and the punishments inflicted, by the censors, who, upon no question, determined with more attention and severity than in cases in which an oath was concerned⁵⁶. M. Pomponius tribune of the people brought an action against L. Manlius the son of Aulus, when the latter was dictator, because he had added a few days to the duration of his dictatorship. Manlius was accused likewise of having sent his son Titus, who was afterwards called Torquatus, out of society, and of having ordered him to live in the country. When the son, who was then young, heard that this charge was brought against his father, he is said to have set out for Rome, and to have come early in the morning to the house of Pomponius. When this was told to Pomponius, who believed that Titus enraged brought some information to him against his father, he arose from his couch, and those who were present

present having retired, he ordered the young man to come in. The youth, when he entered, immediately drew his sword, and swore he would put him instantly to death unless he promised upon oath to proceed no farther against his father. Forced by terror, Pomponius gave this promise upon oath; he laid the matter before the people; he informed them why it was necessary to relinquish the cause against Manlius; and he dropped the process. So great in those days was the veneration for an oath. This T. Manlius was the man who received the name of Torquatus at the river Anio, from having taken a chain from a Gaul whom he slew after being challenged to a single combat⁵⁷. In his third consulship the Latins were routed and put to flight near the river Veferis. He was a man of singular greatness; he was extremely affectionate to his father, but unnaturally severe to his son⁵⁸.

XXXII. BUT as Regulus merited praise by observing his oath; so those ten men deserved blame

blame, if they did not return, who, after the battle of Cannæ, were sent by Hannibal to the Senate, under an oath to return to that camp, of which the Carthaginians were then in possession, unless they could prevail with the Romans to ransom their captives. Concerning these men historians have differed: For Polybius, an author of the best credit, relates, that of ten of the first rank who were then sent, nine returned without having obtained the object of their mission; that one of the ten, soon after he had left the camp, returned upon pretence of having forgotten something, and remained at Rome. By his return into the camp he supposed himself freed from the obligation of his oath. But he was wrong; for fraud aggravates, and does not excuse perjury. It was therefore a foolish and a perverse imitation of prudence. The senate accordingly decreed that this artful knave should be led back in chains to Hannibal. But the most illustrious act of the senate was this: Hannibal had eight thousand prisoners, whom he had not taken in
the

the field, or who had not fled through fear of death, but who had been left in the camp by the consuls, Paulus and Varro. These men the Senate decreed should not be ransomed, though that could have been done at a small expence; that it might be impressed upon our soldiers that they must either conquer or die. The same historian informs us, that Hannibal was discouraged, when he heard that the Senate and the Roman people were so magnanimous amidst their adversity. Thus the things which seem useful are inferior, when viewed in comparison with virtue.

Acilius, however, who wrote a history in the Greek language, says there were more who returned to the camp upon the same fraudulent shift that they might be freed from their oath; and that they were branded by the censors with every mark of ignominy⁵⁹.

Let us now close this head; for it is evident that things which are done from a timid, mean, dejected, and broken spirit, are not useful, because they are flagitious, dishonourable, and base.

base. Such would have been the conduct of Regulus, had he given an opinion concerning the captives which might have appeared profitable for himself and not for the state, or if he had been disposed to remain at home.

XXXIII. THE fourth division remains; which comprehends propriety, moderation, modesty, continence, temperance. Can any thing then be useful, which is contrary to a train of such virtues? But the disciples of Aristippus, philosophers named Cyrenaics and Annicerians, placed all good in pleasure; and thought virtue praiseworthy because it was productive of pleasure. These opinions having fallen into neglect, Epicurus, the author and supporter of a system nearly the same, now leads the public judgement. With this host, so to speak, we must now contend, if we resolve to support and preserve the principles of virtue. For, if not only utility, but the whole happiness of human life depend upon a firm constitution of body, and a well-founded hope of its duration, according

according to the writings of Metrodorus; certainly this utility, this supreme utility as they think, will stand in opposition to virtue⁶⁰. For, first; where will a place be given for the exercise of prudence? Will it have any office but that of culling from every quarter the sweets of pleasure? How wretched the service of virtue, to be a slave to pleasure! But what, in this case, is the office of prudence? Is it not to select pleasures skilfully? Suppose that nothing is more delightful than this; what can be conceived more shameful? Again; with him who calls pain the greatest evil, what place is reserved for fortitude, which is the contempt of pain and of labour? For though Epicurus, upon his own system, frequently speaks with sufficient courage with respect to pain; yet it is not what he says that ought to be regarded, but what it is consistent for him to say, who measures good by pleasure and evil by pain. Though we hear him discourse of continence and temperance; and indeed of these he treats at large on many occasions; yet he is constantly embarrassed.

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For

For how can that man praise temperance, who places the supreme good in pleasure? Temperance is the enemy of irregular passions, and irregular passions are the concomitants of pleasure. Upon the subject of these three virtues, however, they conduct themselves as well as they can, but not without artifice and tergiversation. They introduce prudence as the science that supplies pleasure, and banishes pain. Fortitude likewise they explain in some manner, when they tell us that it enables them to despise death, and endure pain. They treat too of temperance, with the utmost embarrassment indeed; but still they make some shift to explain it: For they tell us that the greatest pleasure consists in the absence of pain. With them justice is undermined, or rather subverted; and all those virtues which are observed in the intercourse of life, and founded on the principles of union among mankind. Nor indeed can goodness, nor liberality, nor politeness exist any more than friendship; if they are not desired for their own sake, but referred to pleasure

ture or advantage. We may therefore bring the whole subject to a short issue : For, as we have taught that there is no utility contrary to virtue ; so we affirm that all pleasure is contrary to virtue⁶¹. I therefore consider Callipho and Dinomachus the more reprehensible, who thought they could settle the controversy, if they joined pleasure with virtue, like a brute with a man⁶². Virtue does not admit such a conjunction ; virtue despises and rejects it : nor indeed can the supreme good, which ought to be simple, be mixed and blended with such dissimilar materials. But of this subject, and it is important, I have treated at length in a different work. I return therefore to my purpose. If at any time that which appears under the aspect of utility oppose virtue, I have sufficiently explained above in what manner the question is to be decided. But if pleasure should be said to wear the aspect of utility, still there can be no union between it and virtue. For, though we give some place to pleasure, perhaps like a small quantity of seasoning, yet it certainly will bring with it no advantage⁶³.

You have here, my son Marcus, in my judgment, an important present from a father; but its value will depend on the manner you receive it. Yet, however that be, these three books will merit to be received by you as strangers amidst the prelections of Cratippus. Had I come to Athens, as I certainly would have done, unless my country had loudly recalled me after half my journey was accomplished; you would occasionally have heard me too⁶⁴. Yet since my voice reaches you from these pages, you will bestow as much time upon them as you can; and you can bestow as much as you please. When I learn that you take pleasure in this department of science, then, as I hope, shall I soon be with you; and while we are at a distance from each other, I will correspond with you. Farewell, then, my dear Cicero; and be persuaded that you are indeed very dear to me: but that you will be much dearer, if you delight in such works and instructions.

THE END.

NOTES AND OBSERVATIONS.

MARCUS, the son of Cicero, for whom this Treatise was written, does not appear, after the uncommon care bestowed upon his education, to have risen to eminence, or to have inherited the talents which laid the foundation of his father's celebrity. He seems not to have been insensible to the injustice and cruelty of his father's death; a circumstance which, though an indication of affection, or a sense of wrong, proves nothing with regard to the extent of his capacity. His being addicted to drinking, as we are told, though destructive of intellectual vigour, affords no certain proof of his being either a fool or a profligate. At the time this treatise was written, and transmitted to Athens for his use, he is said to have been twenty-one years of age. However corrupted the times of Cicero may have been, this circumstance is at least one proof of a wise and vir-

tuous system of education. How few men of wealth and distinction, in our days, have their sons at places of education after the age of twenty-one !

Of Cratippus little is known. He was a native of Mytilene, and a follower of Aristotle. We find that Cicero was his great patron and admirer ; by whose influence he obtained both the privilege of a Roman citizen from Cæsar, and, on his coming to Athens, was invited by the court of the Areopagus to remain as a public instructor, and an ornament to the city. It does not appear that he left any writings behind him which might enable us to form an estimate of his literary talents. From this treatise it is evident that Cicero regarded him with the highest admiration. But between the partial representation of a friend, and the true estimate of a character, there is usually a very wide difference. From Cicero himself we learn that Cratippus was a believer in the creed concerning dreams and divination, which then prevailed ; but whether from policy or sincerity remains unknown. If from sincerity, it contributes nothing to the admiration of his genius ; if from policy, it is to be placed to the account of his prudence.—Of Cratippus we find that Cicero's son was likewise a warm admirer. He mentions the affectionate treatment he received from his master ;

master ; his easy manners ; his pleasant and jocular conversation.

From these imperfect hints respecting the life of Cratippus some probable conjectures may perhaps be formed of his literary merit. As he wrote nothing, or nothing that is preserved, it is likely that his excellence reached no farther than a correct acquaintance with the philosophy of his time, and in particular with that of the sect of which he professed himself a follower. What labour or talents this implied we do not here pretend to determine. That more difficulties were to be surmounted than are necessary at the present day may easily be admitted. But his chief excellence most probably consisted in his superior arts of communication as a teacher, as may be collected from the circumstances mentioned by Marcus, his scholar. The difference between one man, considered in the view of genius or erudition, and another with regard to his ability to convey information to the young and the ignorant, is usually great and important. That they are often united cannot be denied ; but that they are much oftener disunited is no less certain. That he whose knowledge is profound or original, is most unsuccessful when he attempts to convey it to others, is as true as that he whose

knowledge is scanty or superficial is frequently remarkable for the arts of easy communication.

2. This compliment to Cratippus, expressed at the beginning of the chapter, and here repeated, is worthy of notice. No man should entrust the instruction of his child to a master whom he does not respect. A child, if not lost for want of care, or depraved by bad example, will receive his impressions of character from his parents. And when the parent and the child both respect the master, it is the situation, and the only one, in which instruction can produce its best effects.

3. The limits of a note are altogether disproportioned to the attempt of giving any useful account of the doctrines of Socrates, Plato, or Aristotle the founder of the Peripatetic sect, or of the Academics, with whom Cicero classed himself. The subjects on which they differed from one another, and from Socrates, the father of them all, are so intimately connected with the history of their lives and other opinions, that the former could not well be detailed without an account of the latter. For the whole we must refer the reader to the books which contain the history of ancient philosophy.

What

What Cicero says here of the small difference between the Socratic, Platonic, Peripatetic, and Academic doctrines, refers only to the science of ethics; for, on other subjects they differed widely from one another. The fundamental principle which guided the sect to which Cicero was attached, was that they received and held their opinions only upon the ground of probability. This is explicitly avowed in the 2d chapter of the 2d book of the Offices.

4. In this first chapter Cicero seems to have estimated his own talents with great justice.

5. Of Demetrius Phalereus nothing remains from which we might be able to form a judgement of the character which Cicero here ascribes to him. His works upon philosophy, history, and rhetoric, have all perished in the general wreck of time. He was considered as an illustrious ornament of the Peripatetic school; and in his appointment to the government of Athens by Cassander, king of Macedon, was celebrated for his political talents.

6. Theo.

6. Theophrastus was a favourite pupil of Aristotle, and was nominated by his master to be his successor in the school of the Lyceum. He was highly respected for his literary and moral character. He made material additions to the system of the Peripatetics. He lived to the advanced age of eighty-five; and, what is extraordinary, he expressed great dissatisfaction with the shortness of human life. He complained of the unequal distributions of Nature, which had given to stags and crows a length of life which was denied to man. He regretted the scanty allotment of so short a duration, which snatched men away when they were reaching the perfection of science. His last advice to his disciples was accordingly consistent with these disappointed views. Since the lot of man was thus so limited, he recommended to them greater care to enjoy life as it passed, than to consume it in the pursuit of posthumous reputation. Of his works there remain several treatises; but that which is now most generally read is his "Characters."

7. How far Plato, or his scholar Demosthenes, could have excelled in literary departments different from those which they adopted, or how far they were qualified to exchange their professions, so as to have arrived at the

the eminence which each of them obtained, must for ever remain a matter of mere opinion, on which it is as impossible, as it would be useless, to determine.

8. That Isocrates, as an author of elegant orations and a teacher of eloquence, and that Aristotle as a philosopher and teacher of philosophy, were not admirers, the one of philosophy and the other of oratory, may be easily credited. But that they had a contempt for each other's studies is perhaps more than might have been expected from these great men, or at least more than there is any authentic evidence to prove. Perhaps Cicero meant no more than that they undervalued, or did not admire, the studies by which each was engaged. In the original, however, the word is *contemptit*, which, we, in consistency with our opinion of the translation of such a word, have rendered quite literally.

9. The Aristotle and Herillus here mentioned were disciples and followers of Zeno. They departed widely however, from the principles of their master; and from what is mentioned by Cicero and others, they seem to have held opinions in themselves inconsistent, or unintelligible, or absurd. These opinions, whatever
they

they were, Cicero considered as subversive of virtue. Pyrrho was reckoned the founder of a particular sect that questioned the truth of every system of opinions, and held no settled opinion of their own, but this, that every thing is uncertain. Upon the subject of morality Cicero certainly considered all the three in the light of sceptics or licentious philosophers, from his having here classed them together, and made them the subject of the same censure.

10. Our author here makes a candid acknowledgement of what seems very generally and justly to have been viewed as the true estimate of his philosophic character. As a philosopher, he is thought to have retailed the opinions of others rather than to have advanced any thing new of his own. His fame seems to rest chiefly upon the fertility of his imagination and the splendour of his eloquence,

11. The reader will certainly be disappointed if he look for a definition of duty in this treatise; at least, if he take *definition* in the sense in which it is generally understood. Many of the commentators, blind perhaps with admiration of their author, or anxious to show

show that they comment upon a faultless performance, tell us that the words *definire* and *definitio* are not to be understood strictly, but in a larger sense; and of course they maintain that Cicero has not forgotten to favour us with his definition of duty.

Panætius, whom Cicero here mentions for the first time, seems to have been a philosopher of great eminence. From this treatise it appears that Cicero regarded him with high admiration. The books on moral science which Panætius wrote, and which time has destroyed, seem to have been followed very closely by our Author in this essay. And, in the third book, where Cicero tells us he goes farther than his guide attends him, it is manifest that he proceeds very lamely.

12. The first part of the sentence to which this note is affixed, we have no doubt will be thought by some to be improperly rendered. Literally it should have been translated; "Of the former the following are examples; Are all duties perfect?"—*The perfection of a duty* is an intelligible expression; but what is the meaning of the question, *Are all duties perfect?* See the following note.

13. The

13. The following passage is omitted in the translation, immediately after the sentence to which the number of the note is annexed. "Atque etiam alia divisio est officii; nam et medium quoddam officium dicitur et perfectum: perfectum officium rectum, opinor, vocemus, quod Græci *κατορθωμα*: hoc autem commune officium *καθηκον* vocant: Atque ea sic definiunt, ut rectum quod sit, id perfectum officium esse definiant; medium autem officium id esse dicant quod cur factum sit, ratio probabilis reddi possit." Dr Cockman translates this passage as follows: "There is also another distribution of duties, some of them being called *middle* or *ordinary*, and others *perfect* or *complete*. To the latter, I think, we may give the name of *right* or *strait*, which sort by the Greeks is called *κατορθωμα*; as the former ordinary one *καθηκον*. By that which we have called *right* or *strait*, as they explain it, is meant a virtue that is wholly compleat in all its parts, without any manner of flaw or imperfection; and by that which we have called *ordinary*, such a one as a fair and reasonable account may be given for the doing of it."

The reader may consult the notes of Bishop Pearce and Heusinger the younger upon this passage, and endeavour to find a meaning for himself.

14. That

14. That simple and undisguised truth is best suited to the human mind will not admit of doubt at the present day. But how this inference or conclusion follows from the premises stated by our author, it is not easy to say. Our limits do not allow us to deal much in conjectural annotation. We leave this and similar passages, as a proper exercise to such readers as may have pleasure from investigations of this nature.

15. The Sulpicius here mentioned was the famous astronomer who accompanied Paulus Æmilius in the expedition against Perseus king of Macedonia. The night before the Romans gave battle to the enemy, he predicted a lunar eclipse, a circumstance on which the courage and success of a superstitious army greatly depended. The prediction, accordingly, we are informed, not only prevented the inauspicious alarms and presages, and the misconduct, which might otherwise have ensued, but tended strongly to inspire them with confidence of victory.

This Sextus Pompeius was the uncle of Pompey the Great. He is said likewise to have been an eminent lawyer, but, as an orator, of very ordinary talents.

16. For

16. For the appropriated and distinctive characters of justice and beneficence we must at present refer the reader to the celebrated works of Hume and Smith.

[*The same number has been by mistake used for the next note.*] What our Author affirms here concerning the foundation of justice seems to be mere tautology. To say that, in the case of promises or contracts, fidelity is the foundation of justice, is the same as if he had said that justice is the foundation of justice; for what is fidelity to a promise or contract but justice?

17. This is certainly a very vague and a strange measurement of the sufficiency of fortune. Pliny makes Crassus speak more moderately upon this subject (lib. 33.) Plutarch, however, in his life of Crassus, agrees with Cicero. Dr Cockman informs us, in his note upon this passage, "that a Roman army was four legions, "each consisted of six thousand foot and three hundred "horse; two of these legions were given to each consul "every year. The monthly pay of an army came to about twenty-five thousand pounds: by which it appears what an estate Crassus desired to keep one "year."

From

From the accounts given by antiquarians, of the number and pay of what was considered a Roman army, it is plain that this statement cannot be very correct. M. Crassus was one of the triumvirate.—See the Roman History.

18. This affirmation of Ennius, even in this extended sense in which Cicero applies it, is verified by all history. Ennius was an ancient and a very celebrated Roman poet. None of his works remain, except fragments preserved by Cicero and other Roman writers.

19. This is Julius Cæsar, whose history is well known. He had perished by assassination a few months before this was written.

20. This quotation is from the first scene of the first act of Terence's *Heautontimoroumenos* or *Self-tormentor*, where Chremes expostulates with Menedemus about his hard labour; upon which the latter asks, whether the former had so much leisure from his own business as to intermeddle with other men's affairs in which he had not the least concern. This drew from Chremes the reply here quoted.

21. The doctrine here maintained, has been a subject of great controversy among divines and moral philosophers. At present, we conceive that the subject is too extensive to be so compressed within the limits of a note as to afford any tolerable satisfaction. We therefore refer the reader to the chapter *on the extraordinary rights arising from some singular necessity, in Dr Hutcheson's Moral Philosophy*, where the subject is treated with great candour and ability. Dr H. agrees in opinion with Cicero.

22. Phædra, the step-mother of Hippolytus, as the story goes, fell in love with him; and upon his refusing to pollute his father's bed, she in revenge accused him of offering violence to her person. Theseus, who was credulous it would seem, believed the charge, and availed himself of his interest with Neptune, to have Hippolytus put to death. The father, however, having at last discovered the truth, was himself justly punished with remorse and sorrow.

We cannot help observing, that Cicero seems to have been very unfortunate in the selection of this case to illustrate his position. It was highly indecent in Neptune,

tune, to grant random promises of any kind; but it was shameful wantonness and barbarity, to put a man to death for a supposed crime, about which, if he enquired at all, it is plain he knew nothing but from the story of an ill-informed, jealous, and angry party. Theseus seems to have been no less a savage, when he could overcome the strongest feelings of nature, and desire the death of his son, upon no better evidence than his wife's tale. To grant a promise, and to perform it upon principles like these, can prove nothing upon the subject of morals, but that monsters may sometimes appear in human shape.

23. Cleomenes is not mentioned by Cicero in the original. Pearce and Heusinger, however, in their notes, ascribe this transaction to him, upon the authority of Plutarch; and upon this ground we have introduced his name into the translation. A similar case is mentioned by Strabo, of the Thracians, when at war with the Bœotians. But which ever of the two may have been meant by Cicero, the example illustrates his observation extremely well.

24. If Labeo had no previous and secret instructions

to this purpose from the Romans, or if they did not connive at the trick, and pay him for it after it was done, it will be difficult to account for his conduct. The example would have been more in point, had Labeo taken the land to himself.

25. We are not sure, but a reader not much skilled in antient geography, may be led by the expression of *other nations in Italy*, which we have substituted for *the Tusculani*, &c. to suppose that Carthage and Numantia were also in Italy. The one was a city in Africa; the other in Spain: both destroyed by the younger Africanus. The latter was never afterwards rebuilt.

26. There is an omission in the translation of the latter part of this sentence. It ought to have been *which was destroyed from some cause, chiefly I believe with, &c.* If the word *chiefly* had been inserted, the words *from some cause* would, we think, be better omitted, because they convey no information that could not be otherwise implied. The destruction of Carthage, it would appear, was in Cicero's opinion an act of injustice.

27. Cicero, in the latter part of this sentence, alludes
to

to the subjects of difference between Cæsar and Pompey, whom he endeavoured in vain to reconcile.

28. The Feciales were employed in declaring war or making peace, in judging of affairs relative to the proclamation of war, and the formation or regulation of treaties. They had forms and laws prescribed to them, according to which they acted. The persons of the Feciales and their proceedings were held sacred.

29. The oath here mentioned, was the military oath of obedience to the General, and adherence to the standards. If it was then the usual practice upon being disbanded, and enlisting again under the same General, to renew the oath, Cato's son had certainly no title to be exempted from established forms. Cato's request seems to imply, that it was not usual to take the oath anew to the same general. For if it had been usual, Popilius certainly knew it, and needed not to be reminded of so obvious a part of his duty. If it had been the practice, such a request would certainly have implied an unhand-some reflection upon the conduct of Popilius. It is most probable, that Cato was scrupulous over much, or at least, more than the general practice required.

30. There is a mistake here in the translation. Instead of *during his service in the Persian war in Macedonia*, it ought to have been *in the war with Perses in Macedonia*. Perses or Perseus was the last king of Macedonia. He was defeated, taken prisoner, and led in triumph by P. Æmilius, the Roman Consul.

31. Mr Hume, in a note upon his Essay on Commerce, differs in opinion from Cicero. "The more ancient Romans," says he; "lived in perpetual war with all their neighbours: And, in old Latin, the term *hostis* expressed both a stranger and an enemy. This is remarked by Cicero; but by him ascribed to the humanity of his ancestors, who softened as much as possible the denomination of an enemy, by calling him by the same appellation which signified a stranger. It is, however, much more probable, from the manners of the times, that the ferocity of those people was so great as to make them regard all strangers as enemies, and call them by the same name. It is not, besides, consistent with the most common maxims of policy or of nature, that any state should regard its public enemies with a friendly eye, or preserve any
such

“ such sentiments for them, as the Roman orator would
“ ascribe to his ancestors. Not to mention, that the
“ early Romans really exercised piracy, as we learn
“ from their first treaties with Carthage, preserved by
“ Polybius, (lib. iii.) ; and consequently, like the Sallee
“ and Algerine rovers, were actually at war with most
“ nations, and a stranger and an enemy were with them
“ almost synonymous.”

32. The Celtiberians were a valiant people of Spain, originally descended from the Celtæ, who settled upon the banks of the Iberus. Hence their name was derived. They made a vigorous stand both against the Romans and Carthaginians, who invaded them. Numantia was their capital.

The Cimbri were a fierce and barbarous nation of Germany, who invaded Italy with a great army, and threw the Romans into the utmost consternation. They were conquered by Marius.

33. The Latins, Sabines, and Samnites were small nations or tribes of Italy, conquered by the Romans. The Carthaginians, the inhabitants of Carthage, a celebrated city of Africa, and long the rival of Rome.

Pyrrhus, king of Epirus, was a restless, ambitious, and warlike monarch. At the request of the Tarentines he crossed over into Italy, and along with them maintained a bloody contest with the Romans. He was at last defeated, and withdrew with precipitation to his own country. The insatiable ambition of Pyrrhus kept him in a state of constant hostility with some of his neighbours.

34. Hannibal was the celebrated Carthaginian General, who so often harassed and defeated the Romans. What has been so often said of the treachery of the Carthaginians, and the cruelty of Hannibal, must certainly be understood with several grains of allowance. We want Carthaginian historians to enable us to come at the truth with certainty. They might refute or extenuate the Roman charges. The humanity of Hannibal was celebrated by the Romans themselves, for his conduct after the battle of Cannæ, in searching for the body of the Roman Consul among the heaps of the slain; and honouring it when found, with a funeral suitable to the dignity of a General. He paid the same honour to the remains of Marcellus and Tiberius Gracchus.

35. This is the language of excessive ambition, blended with a certain degree of generosity. But what are we to say to the humanity of his conduct in general?

36. We are perhaps not correct in rendering *alienos*, *strangers*; *others* would probably have been better. Cicero means here, the proscriptions, bribery, and robbery, of which Sylla and Cæsar were guilty, to serve the ends of their lawless ambition.

37. We are sensible that in the translation of this sentence, and the one preceding it, we have not adhered to the original so closely as perhaps we ought to have done. Instead of, *But if the case*, &c. it was proposed to substitute, *But in an important lawsuit*, &c. alluding to the Roman practice of going in the defence of another as one of the *Advocati*, which the *si lis in judicio* seems clearly to imply. The meaning then comes to be, that in all matters of civility, or in all obliging acts of good neighbourhood, the preference ought to be given to a neighbour. But in the case of a lawsuit, the issue of which is usually serious and important; a man should appear in the defence of his brother or kinsman, rather than in that of his neighbour.

Against

Against admitting this alteration, besides some other accidental inconveniencies with which it would have been attended, there appeared to be two reasons. The first was, that it seemed not improper to take *lis in judicio* in a figurative or proverbial acceptation, as we find *ad hoc sub judice lis est* used by Horace, and then the translation given seems abundantly calculated to convey the author's meaning. The other reason was, that as the meaning appears plainly to be, when the case amounts to more than an act of mere civility, a kinsman or friend ought to have the preference, the same idea is as fully expressed in the present translation as if the amendment had been adopted. It seems farther in its favour, that the meaning is expressed in general terms, instead of being conveyed by a particular allusion; and the lowest case that can happen is as fully implied as the highest, which could not have been so fairly inferred from the instance of an important lawsuit.

38. These two quotations are generally supposed to be from the poet Ennius. The brave woman alluded to in the first of them is believed to be Clælia, or some other of the Roman heroines.—Salmacis was the name of a fountain, the waters of which were thought to render

der men effeminate.—These quotations were perhaps common and proverbial expressions of reproach in the time of Cicero.

39. Marathon, &c. were places where the Greeks gained signal victories over the Persians. Cocles, &c. were Romans, celebrated for their valour and military exploits.

40. Except in wars founded upon absolute necessity, and the broad scale of material justice, Cicero might have said with safety, that the two cases he has stated admit of no comparison.

41. In this instance, Cicero gives a much more decided opinion than in the former, upon the comparative merit of the transactions of war and of peace.

42. For the truth of the opinion which Cicero here gives of the comparative excellence of these great characters, we must at present refer the reader to the Roman history.

43. The Agrarian laws had produced great dissensions

sions and disturbances at Rome. Tiberius Gracchus attempted to renew them, and by his eloquence, obstinacy, and popularity, he succeeded. He was appointed one of the commissioners for making this equal distribution of the land, and had proceeded some length in the execution of the law, when he was assassinated in the midst of his adherents by P. Nafica.

That the death of T. Gracchus was a public benefit, may be easily admitted; but the manner in which it was effected, appears to us highly criminal. The practice of assassination is an unequivocal and a most deplorable symptom of a wretched state, either of government or morals, or of both.

44. By the *laurel*, is here meant the military reward; by *praise*, the honourable opinion of the Senate and Roman people, which was the reward of good conduct in times of peace.

45. The transaction to which Cicero here alludes, was the conspiracy of Cataline. His conduct upon this occasion was certainly as meritorious as his situation was difficult and dangerous. He had not only the professed leaders in this conspiracy, but some men of the greatest

greatest talents in the Senate to contend with. No wonder a man of Cicero's vanity should have recorded this compliment from Pompey.

46. This was Cato the elder, who harboured a mortal enmity against Carthage, and constantly urged its destruction, which was not effected till about three years after his death.

47. Rules of conduct, relative to a subject which is itself contrary to all moral principle, found strangely. What right has any General or army to erase or plunder cities?

48. The general rule which this sentence recommends does not follow very obviously as a conclusion from the two preceding; nor does it in itself convey a clear meaning. The rule seems to be applied both to public and private conduct. The first will be most shortly illustrated by the example which Cicero has himself afterwards adduced. Had Fabius given battle to Hannibal, the whole republic might have been endangered: When he declined battle, he risked his own reputation as a general only. The other rule imports that a man should

be

be more willing to fight for his reputation than for any inferior consideration, such as a pecuniary interest or the like.

49. Cleombrotus was General of the Lacedemonian forces at the battle of Leuctra. He was believed to be too friendly to the cause of the Thebans ; and to obviate the suspicion, he engaged with them rashly. He inverted Cicero's rule, and ruined his cause.

50. The prudent example of Q. F. Maximus which Ennius here celebrates, has been frequently followed with success since his time.

51. This observation is well illustrated in the beginning of the following chapter.

52. The mixture of French phrases with English, was perhaps as common in this country some years ago, as that of Greek words with the Roman language was in the time of Cicero. At the time mentioned, there was no chance of understanding ordinary conversation completely without a knowledge of the French language : French phrases poured in so plentifully. Even authors

of

of respectability were not altogether untainted with this practice, which is at all times deservedly contemptible.

53. Cicero's philosophy from the former to this note, is not only ill founded, but reprehensible. Our limits do not permit us to enter upon the question of the guilt or innocence of suicide. We shall only observe, in general, that the case of Cato seems to have been altogether feeble and cowardly. If Cato's attachment to liberty was so great that he could not survive it, his death can in no respect be reconciled with the strength of his principle. It is altogether incomprehensible, how a man fully influenced by the elevated sentiments of freedom, could desert his friends or fear a tyrant. And yet by putting himself to death, he was guilty of both. While he had a single adherent, he ought to have been the last to waver or despond; and when he had none, it would have been nobler to march out alone against Cæsar's army, than basely lift up his hand against himself.

The doctrine which Cicero here endeavours to justify in the instance of Cato, is in direct contradiction to what he teaches elsewhere. "*Nisi deus is, cujus est hoc templum omne quod conspicias, istis te corporis custodiis*
" *liberavit,*

“ liberavit, in cœlum aditus tibi patere non potest. —

“ Piis omnibus retinendus est animus in custodia cor-

“ poris; nec injussu ejus, a quo ille est nobis datus, ex

“ hominum vita migrandum est, ne munus humanum

“ assignatum a Deo defugisse videamini.” *Sonn. Scip.*

54. For the adventures of Ulysses we refer the reader to Homer. The slavery here mentioned means, we suppose, the state of adultery in which Ulysses lived with Circe and Calypso. The treatment he received from his domestics arose from his having returned to his palace in Ithaca in the habit of a beggar, with a view to discover his wife's gallants, whom he afterwards put to death. If Ulysses personated a beggar, he certainly must have expected to be treated as a beggar till the contrary was known.

This case, fabulous as it is, does not seem to be a happy illustration. All that can well be said of it, is, that Ulysses was a man of pleasure in the worst sense of the expression; and that he acted the beggar, and was treated like a beggar.

55. Ajax, one of Homer's heroes, could brook no injurious or disrespectful treatment. — But if Ajax, from

any

any view which he thought rendered such a project useful or necessary, had determined to play the beggar, and at the same time not to submit to a beggar's treatment; every man in his sober senses would have declared him a fool.

56. It is doubtful whether the *Epigoni* be a tragedy of Euripides or of Sophocles. It was translated by the Roman tragic poet Accius.

Medus was a tragedy written by the Roman poet Pacuvius.

Menalippa and *Clytæmnestra* were tragedies of Accius.

Antiopa was a tragedy either of Pacuvius or Livius Andronicus. Both of them wrote tragedies of the same name.

Instead of *Rutilius* some write *Rupilius*; and we are told he was a player whom Cicero, when a boy, had seen perform.

Æsop was an actor, upon the Roman stage, who enjoyed the intimacy of Cicero. *Æsop* amassed an immense fortune. His talents, it would appear, were not calculated for the violent exertions required in repre-

sending the character of Ajax, the hero of a play written by Ennius or Livius Andronicus.

57. For the characters of the great men here mentioned, we must refer the reader to the Roman history.

58. The truth of the remark here made, Cicero himself in some measure verified in his own case.

59. Prodicus was a sophist and rhetorician of Cos. He taught publicly at Athens; and Socrates was one of his pupils. The story of Hercules is related in the Memorabilia of Xenophon.

60. In the translation of this sentence, *nonnunquam* has been by an oversight omitted. It is a very proper qualification of the sentence; which, qualified by the word we have omitted, conveys a meaning abundantly justified by experience. In many cases, however, the opposition of fortune, so far from repressing the powers of nature, seems to be necessary to bring them into full play.

61. For

61. For these well known characters, see the Roman history.

62. There were two celebrated Romans of this name, the father and son. The son was the contemporary of Cicero.

63. Crassus is frequently mentioned in our author's works with great honour.

64. The Cæsar here spoken of was the celebrated Julius Cæsar.

65. The Socratic method of instruction is well known. It was conducted in the manner of ordinary conversation; and, with persons who can remain cool and collected, it seems to be by far the most successful method, if not of communicating instruction, at least of producing conviction in the mind of an opponent, when prejudices or passions have led him to different and wrong opinions.

66. This character is drawn by Terence in his Eu-

nuch, Act 2d, Scene 1st; to which the reader is referred.

67. Cn. Octavius here mentioned was a celebrated Roman officer who conquered Perseus king of Macedonia, and took him prisoner. He was afterwards made consul.—The Palatine Hill was the place where the people of wealth and fashion usually resided.

68. To demolish a house, and make it an addition to another, sounds rather oddly as a manner of expression in English. The words *accessionem adjunxit ædibus*, Heusinger the younger explains, *Suis ædibus Octavii domum a se destructam accessionis loco adjunxit*. This seems no plainer than the original. *Sensus est*, says Pearce, *Scaurus ædes suas majores effecit, demoliendo ædes Octavii*. This leaves the sense as indeterminate and dark as ever. If he only threw down the house, and used the materials for building another, every reader can comprehend it.

69. This is Lucius Lucullus, who conducted the war against Mithridates and Tigranes, and who, according to Plutarch, gained so many and so great victories over
these

these powerful monarchs. He is charged with severity and haughtiness in his conduct as a general; but in every other capacity he is celebrated for his humanity and compassion. His personal accomplishments were much admired; but the immoderate expence of his table, and the extravagant magnificence of his buildings, have been greatly censured.

What Cicero observes here of the imitators of Lucullus, has, we believe, been a very universal source of complaint and lamentation. Upon what principle, or from what cause, it happens, that the peculiarities, the follies, and the vices, of men of genius or eminence, should be so generally copied or aped; while the imitation of their wisdom or their virtues is so seldom attempted; we do not here take upon us to determine. We refer the reader to the writings of moralists and divines, to chuse, among their various systems and opinions, the most probable or most satisfactory solution of this strange abuse of example.

70. This anecdote is an excellent illustration of the breach of that rule of conduct which is here recommended. When engaged by serious or important business, to suffer the attention to be drawn off by any pass-

ing and trivial occurrence, indicates a levity or folly wholly inconsistent with the nature of such employment.—The *restraint upon the hands* is explained by Val. Maximus, who mentions the same anecdote, and makes Pericles express himself much more intelligibly; *Prætori non solum manus a pecuniæ lucro, sed etiam oculos a libidinoso adspectu continentibus esse debere.* Val. Max. When a judge can be bribed, there is an end to the administration of justice.

71. Singing in the *forum* was considered by the Romans as a gross indecency. Dancing in the forum was viewed in the same light. See B. 3. ch. 19.

Improprieties of this kind arise chiefly from the peculiar manners and opinions of particular nations. A gentleman who, with us, should sing aloud, or dance in a public street or court, would expose himself more to the imputation of madness than indecency.

72. This, like many of the opinions of ingenious men, who have never been themselves teachers, is abundantly plausible when it is found written in a book; but fails sadly when it comes to the test of experiment. It did not occur to Cicero, that a good mimic is very rarely

rarely to be met with ; and that, when a man's mimicry does not set the folly or impropriety it means to imitate in a light truly ludicrous, he only makes himself ridiculous. It did not occur to him, that there are many boys who would be guilty of improprieties for the express purpose of enjoying the merriment of their master's exhibition. It did not occur, that the art of a mimic is not very consistent with dignity of character ; and that every effort of this kind, well or ill executed, may lessen a master in the esteem of a sensible boy. A ludicrous description gravely and well expressed, will answer the purpose much better.

73. To follow nature, or live agreeably to nature, are expressions which in themselves can convey little or no meaning. To understand what the follower of any sect meant when he used such expressions, it is necessary to enquire into the particular tenets which he or his sect had adopted. For this the reader must have recourse to the history of ancient philosophy.

74. The mistake here mentioned is one of those into which young men of great talents are very apt to fall, and the consequences are generally destructive or fatal,

75. "The singularity of the early Cynics, and many
 " gross violations of decorum, which, at a later period,
 " rendered the sect not only ridiculous, but infamous,
 " furnished occasion to those who did not carefully dis-
 " tinguish between the first design of this institution and
 " its subsequent abuses, to declaim against the Cynical
 " philosophy as nothing better than a compound of vul-
 " garity, spleen, and malignity. An impartial enquirer
 " will, therefore, in this part of the history of philoso-
 " phy, be particularly cautious in giving credit to A-
 " thenæus, Lucian, and other writers; who, to display
 " their own wit, or to bring philosophy into discredit,
 " have, on every occasion, eagerly caught hold of sto-
 " ries disreputable to philosophers, without taking the
 " pains, and perhaps without wishing, to distinguish
 " truth from falsehood."

Enfield's History of Philosophy.

76. This is a melancholy account of the Roman mer-
 chants by retail. Making allowance for the low state
 of commerce in Cicero's time, we cannot help suspect-
 ing the accuracy of his information in this instance. It
 appears from his own statement that there were whole-
 sale

sale as well as retail merchants among the Romans; and if Cicero, or any other man, thought that the retailer should have no profit from his stock or his labour, they were altogether unreasonable. To call a man a liar because he charges a reasonable profit upon an useful employment, is mere slander. The occupation of a retail merchant may not have been reputable among the Romans; but that is no reason why it should be pronounced immoral.

77. We shall not question the truth of this assertion; for the Roman artists may have been all bunglers in our author's time. But we can assert, with equal, if not with greater truth, that in our days many very ingenious productions and liberal men are to be found in work-shops.

78. The different occupations classed together in this and the preceding sentence, have some of them acquired a degree of credit considerably different from what they seem to have enjoyed in the days of Cicero.

79. This chapter concludes with a very just eulogium upon agriculture: and the reader will find the
treatise

treatise of *Cato Major*, or *De Senectute*, well worth his study; not merely on account of the reference here made by the author: it is one of his most perfect and valuable productions.

80. We would not be understood to controvert the truth of our author's sentiments in general. We would only remark, that they are to be understood with considerable limitations. The investigations of science will not at any time, we believe, be sustained as an apology for the neglect of the important duties of social life. But that a philosopher should in every case think himself called forth on occasions of public exigency or danger, is a position the propriety of which we are very much disposed to doubt. He who would conduct public affairs with wisdom, will find political science essential to his safety and success; but every man of science will not certainly suppose himself qualified for the office of a statesman. A statesman ought to be a man of science; but every man of science is not a statesman. A mathematician, or a chemist, may know no more of politics, than a politician does of mathematics or chemistry. Let the times, therefore, be what they will,

it is in general, we believe, better that every man confine his attention to his own favourite pursuit.

81. Though the propriety and advantage of an eminent master are universally admitted by every man who knows any thing of the value of education; yet it is astonishing to observe in practice, how inattentive most men are in the choice, and frugal in the expence, of masters for their families. Preceptors who generally receive half the pay of a cook or a footman, and who live usually upon the same precarious tenure with these their brethren of the kitchen, are certainly not the men from whom we are to look for the exertions either of genius or erudition.

82. The author's acknowledgement of his obligations to his masters, and his estimate of their literary labours, we recommend to the reader's attentive consideration.

83. Some examples of the kind here condemned may be found in this book of the Offices.

84. Posidonius was the scholar of Panætius, as may
be

be seen from the third book of this treatise. Cicero attended his lectures.

Pofidonius "taught at Rhodes with such reputation, " that Pompey came hither, on his return from Syria, " to attend his lectures. When he arrived at his house, " he forbade his lictor to knock, as was usual, at the " door. The hero, who had subdued the eastern and " western world, paid homage to philosophy by lowering the *fascēs* at the gate of Pofidonius."

Enfield's Hist. of Phil.

End of the Notes and Observations on the First Book.

NOTES AND OBSERVATIONS

ON BOOK SECOND.

1. OUR author alludes here to the state of affairs in consequence of Cæsar's success and usurpations. His friends Pompey and Cato, and many others, had perished in the civil war which arose about this time. Cicero's conduct, as he here states it, after the fatal losses and misfortunes which he bewails, merits in every view of it our praise and imitation.

2. The treatise to which Cicero here refers has been lost. Some fragments of it remain. It was entitled *Hortensius*. Augustine speaks of it in the following terms: "Ille liber mutavit affectum meum, et ad te
" ipsum, domine, mutavit preces meas, et vota ac de-
" sideria mea fecit alia." (*Lib. iii. Confess. c. 4.*)

3. "Cicero

3. " Cicero nowhere so clearly discovers his own
 " opinions as in his *Quæstiones Academicæ*, (Academic
 " Questions); of which only two books are extant, the
 " second subscribed with the name of Lucullus. In
 " this work he raises up the whole edifice of Grecian
 " doctrine, that, after the manner of the Academic
 " sect, and particularly of Carneades, he may demolish
 " it. As a storehouse of materials for an history of
 " the Grecian sects, this piece is of great value."

Enf. Hist. of Phil.

4. It is thought that *apes* is an addition or interpolation made by some ignorant transcriber or commentator.

5. See the Roman history.

6. Dicæarchus was a follower of Aristotle. He was a materialist and an eminent geographer. The book here mentioned is said to be extant.

7. The translator has followed the reading *proprium*
hoc statuo, &c. and not *primum*.—" *Primum inter-*
 " *pretantur*

“pretantur præcipuum munus virtutis, quod Cicero
 “haudquaquam sentire potuit, qui arduæ virtutis pri-
 “mum munus nunquam in conciliandis sibi hominum
 “studiis posuit, quæ illi sæpe contemnenda sunt.” *Heu-
 finger*. See the whole of his note.

Those systems which make virtue consist in utility, could not justify the opinion of Cicero, if we read *primum* in this passage.

8. The Greek words for *turbulent emotions* and *appetites* are omitted in the translation, as unnecessary to be inserted for the English reader.

9. The three armies here mentioned were, that of Pompey at Pharfalia; of Scipio in Africa; and of the sons of Pompey in Spain. They were all defeated by Cæsar.

The late eminent and extraordinary man here alluded to was Pompey.

10. This is the noted tyrant of Syracuse, whose history is well known. This story of the *fingering* contains very little of the semblance of truth. What should have prevented his securing the door of his
 room,

room, and trusting his own hand with a razor or a pair of scissars. It is quite incredible how a tyrant, so universally detested as a story like this implies, could have been suffered to live, or at least to bear sway, for any time.

11. Alexander was a tyrant of Pheræ in Thessaly. The Thracians, like the Swiss in modern times, were employed as a species of life-guards or executioners, in whom they could repose more trust than in their own subjects.—It does not seem to be understood what is exactly implied by the slave being *branded*. “To be “marked on the forehead,” says Cockman, “was a “token of honour amongst them, as it was of disgrace “and slavery amongst others. But Cicero here seems “to speak of this man as a slave or villain. It is probable therefore he might be a Thracian slave, and “marked as such after he came into Greece.”

12. Phalaris, a tyrant of Agrigentum in Sicily, and infamous for his cruelty. He is remarkable for the use of a brazen bull, with which he tortured such of his subjects as happened to incur his suspicion or displeasure. His people at last, provoked beyond endurance,

rose upon him, and justly retaliated by inflicting upon him the punishment of his own brazen bull.

13. Demetrius, surnamed Poliorcetes, king of Macedonia. The desertion of his subjects was occasioned by his pride and insolence.

14. Leuctra was a village of Bœotia, where Epaminondas the Theban general obtained a victory over Cleombrotus king of Sparta. From this time the Lacedæmonians lost the empire of Greece, which they had enjoyed near five hundred years.

15. The successor of Sylla, mentioned in the sentence before the one to which this note is affixed, was Julius Cæsar.—The city of Marseilles had shut its gates against Cæsar upon his march into Spain to oppose Pompey's party. He besieged and took the city by storm; and afterwards exhibited a splendid representation of his achievement in a triumph: and this last circumstance is alluded to in the original by the expression, *Portari in triumpho Massiliam vidimus*.

Marseilles, a city of France, had always taken part on the side of the Romans in their Transalpine wars.

16. The Sylla here mentioned was the nephew of L. Corn. Sylla; who, in the dictatorship of his uncle, conducted the proscriptions, and, thirty-six years afterwards, performed the same oppressive office under Cæsar.

17. The treatise on Friendship we recommend to the reader's attentive perusal, as being one of our author's most valuable productions.

18. These two treatises are said to be lost. They are oftener than once mentioned by Cicero in his Letters to Atticus.

19. The figurative expression, *faces dolorum*, is thus explained by Heusinger: "Cum dolorum metus infer-
tur, cum dolores, quasi Furia, faces intentant."

20. The *igni spectatum* is a metaphorical expression, taken from the trying or refining of gold or other metals by fire.

21. Whether

21. Whether laws shall speak to all with one and the same voice, must depend almost entirely upon the moral principles or the virtue of those who execute them; or on the degree of resistance which the community in general can, or may be disposed to, make to the abuse or misapplication of them.

22. By the evidence on both sides, Cicero here means two descriptions of men: those who have preserved the reputation which they had honourably obtained; and those who have lost a good name which they had dishonourably acquired.

23. T. Gracchus enjoyed two consulships and two triumphs; was afterwards made censor; and at last augur. His sons, in consequence of the commotions they raised by proposing and supporting the Agrarian laws, were both assassinated.

24. Rutilius and Mucius were celebrated Roman lawyers. The circumstances here mentioned, from which the former derived so much advantage to his reputation, has been very generally observed and practised. The

world has been very often deceived, or imposed upon, by the credit they have so frequently given to this species of borrowed worth.

25. The charge against Carbo was extortion.

26. In times when the lower classes of the people really believed their superiors a higher order of beings, the benign address here recommended could not fail to produce wonderful effects. At present, the multitude seem to require more than soothing appellations only.

27. This is the grandfather of Antony the triumvir. He accused Cn. Papirius Carbo.

28. Sulpicius, a tribune of the people, who joined with Marius against Sylla; and was afterwards put to death by Sylla's order. Norbanus was defended by Antony.

29. M. and L. Lucullus accused Servilius the augur of peculation, (*peculatus*), in revenge for a charge of extortion brought by Servilius against their father.

The inhabitants of Sicily were supported by Cicero

in

in their complaints against Verres. C. himself had been quæstor in Sicily not long before.

We have in the translation followed the reading now generally received, in which the words "pro M. Albucio" are omitted.——Cæsar, in name of the Sardinians, charged Albucius with mal-administration in his office of prætor among them.

30. Marcus Aquillius was consul with Marius; and accused of bribery or extortion. He was defended by Antony.

31. Both the father and the son are mentioned in the other works of our author: the one, as an eminent lawyer, and a good man; the other, as a profligate, and a disgrace to his family.

32. For the particulars of this early exertion of Cicero's eloquence, the reader is referred to the oration itself.

33. For the account of the distinguished men here mentioned, the reader is referred to the Roman history.

34. It does not seem quite clear from this chapter what Cicero's opinion is upon the subject of which he speaks. The reader, however, will find him more distinct and decided at the beginning of the following chapter.

35. Hercules was supposed to preside over treasures; and hence those who possessed a great share of them consecrated a tenth part to him.

The pretence of Orestes has been no uncommon one in all ages.

36. Clodius was the enemy of Cicero, and procured his banishment during his tribuneship. Milo being tribune the year following, endeavoured to obtain Cicero's recall; which Clodius violently opposed. Both parties collected gladiators, and had recourse to arms. Milo succeeded, and restored Cicero. Milo afterwards killed Clodius; and was most eloquently defended by Cicero in the celebrated oration that still remains. See the oration *pro Miloni*.

37. Cicero

37. Cicero solicited and obtained the office of quæstor at the age of 31; of Ædile at 38; of prætor at 41; and of consul at 44.

38. It was much better to lay out money in erecting a magnificent vestibule or gate, than in giving a dinner.

39. This is the Crassus so often celebrated by Cicero. It does not appear that the oration here noticed has been preserved.

40. The general opinion seems to be, that Servius Sulpicius is here alluded to.

41. This is one of the sons of Tib. Gracchus, mentioned at the end of the 12th chap. of this book.—M. Octavius is said to have been colleague of Tib. Gracchus in the tribuneship. This distribution ascribed to him does not seem to be very distinctly known.

42. This is L. Marcus Philippus, a tribune of the people. He was a leveller, it would appear. Yet we do not see, in the words here quoted, that dangerous

tendency which Cicero thought they implied. So bold an assertion certainly required proof; and every man, from the extent of his own acquaintance, must have been in possession of facts that would go in the face of such doctrines. There is an unnecessary alarm often taken at particular expressions and opinions, which a short experience very commonly proves to be groundless.

43. C. Portius discovered, by this opinion, a profound knowledge of human nature.—All history proves, that when mercenary principles, with their never-failing concomitants, take possession of the great body of a people, they become an easy prey to more warlike and less mercenary neighbours.

44. This is a very judicious observation. A man's education, and the circumstances of his life, and of the times, in which he lives, ought always to be well considered before a true estimate can be formed of his character.

45. Paulus Æmilius conquered Perseus king of Macedonia; and thus terminated the second Macedonian war, and the Macedonian empire together.—The

words

words "ut unius imperatoris," &c. should rather have been translated, "that the booty of one general put an end to taxes." What a glorious termination for a war!

46. It was not the custom in those days for a general to make a fortune by a campaign.

47. The rich city which Mummius razed, was Corinth. Carthage shared a similar fate about the same time. This was horrid work! It was some apology, however, for these generals, that their barbarous transactions were not founded in self-interest.

48. Avarice is the vice, not of primitive or simple times, but of a mercenary and profligate age. Avarice and profusion generally go together; and are either accompanied or followed by the loss of moral principle. If the Gods of the Heathen had always spoken in this strain, they might have had some reasonable claim to divinity.

49. Agrarian laws were often proposed by artful and designing men, with a view to obtain popularity. Levelling the rich with the poor was the leading design

sign of them. The total remission or reduction of debts, or of absolving the debtor from his obligation to pay the whole or part of what was due, became at different times another engine of popularity.

50. This is not the Lyfander whose life is written by Corn. Nepos and Plutarch, and who flourished about a century before. The Lyfander here mentioned was the contemporary and accomplice of Agis in attempting the establishment and execution of Agrarian laws.—See Plutarch's Life of Agis.

51. See note 41:

52. Aratus, a nobleman of Sicyon, a city of Peloponnesus. After his father had been murdered, he was himself obliged to flee to Argos.—See the Life of Aratus, by Plutarch.

53. Cicero here refers to the situation of affairs during his memorable struggle with Cataline and his accomplices.

54. Our

54. Our author means Cæsar. This reflection is certainly much beyond the truth.

55. There were more than one of this name among the Stoic philosophers. The Antipater here mentioned was the acquaintance of Cicero, and the friend of Cato.

57. [*This note is by mistake 57 instead of 56.*]—
What will our farmers say to this? If there had been in Cato's time a tolerable demand for beef or corn, his farming must have been extremely injudicious. The reading of the passage, however, is most probably corrupted.—See the commentators.

58. To take interest, and to kill a man, must on all suppositions imply different degrees of moral turpitude. Comparing them will certainly appear to the reader the result of a very strange, not to say horrid, system of ethics. Usury has been often reprobated. Among nations not commercial, lending upon interest does not seem to be necessary for the agricultural or pastoral life: and it is likely that the sentiment of Cato is formed upon
considerations

considerations of this nature. Lending upon interest was prohibited among the Jews.

59. Some think that by the expression, *bonis viris*, here applied to Roman bankers, Cicero intended to treat them with derision. If so, we have translated the words improperly. We have followed the opinion of those commentators who think differently.—The *Janus Medius* was a particular place or street where the bankers or money-changers lived, or at least transacted business.

End of the Notes and Observations on the Second Book.

NOTES AND OBSERVATIONS

ON BOOK THIRD.

1. **T**his is the same Cato mentioned at the conclusion of the former book. This is Scipio the grandfather of the younger Africanus, and the conqueror of Hannibal and the Carthaginians in Africa.

2. The commentators tell us, that the wandering over the country, here noticed, means our author's passing from one of his villa's to another.

3. This is the Pofidonius already mentioned. His commentaries, as well as the books of Panætius, have been lost.

4. On the expression, *omnes numeros habet*, Heusinger observes, "Metaphora est a palæstra, cujus omnes mo-

"tus

"tus ad decus compositos qui perdidicerant, omnes nunc
 "meros habere dicebantur."

The Stoical wise man was an ideal character.

5. A very little consideration will show that this a foolish distinction; of which there is a tiresome and useless number to be met with among the ancient philosophers.

6. This philosophy we believe to be good; and the practice which it recommends, of the most sublime nature. But the principles of the ancient philosophy, like those of many of our modern moralists, seem very ill calculated to support it.

7. This is certainly as true as it is important: and it would be the highest and most meritorious effort of human labour, to diffuse an universal and practical conviction of it among mankind.

8. The commentators have differed about the meaning and application of the words, *quæ vacent injustitia*. The meaning we conceive to be this: "For by such principles, &c. than to endure all the ills of fortune,

" or

“ or the pains of body, or distress of mind, which have
“ not been the consequence of acts of injustice.”

. This we conceive to be very dangerous doctrine; and the more so, that minds of strong sensibility, and possessing an high sense of honour and rectitude, are very apt to adopt it. That tyrants and rascals should be cut off from the face of the earth, will, we believe, be very generally agreed; but it is often very difficult to ascertain what men fall under such an odious description. Besides, the principle, which, in some instances, might justify or palliate the assassination or the murder of such men, is extremely apt to be misapplied, by the ignorance, ambition, or other evil dispositions of mankind; not to mention what would be attempted by those who might dread or deserve such a fate. The doctrine is most immoral and dreadful; except in such rare cases as are founded upon the universal sense of a nation; and, in such cases, the privation of life is not necessary, because severer vengeance might be inflicted by suffering such men to live.

10. Bishop Pearce very properly remarks here, That what Cicero attempts to do of himself, furnishes an opportunity

portunity of observing the character and eminence of Panætius as an author. In what Cicero says of his own, adds the Bishop, there are too many repetitions; there is a defect in the order, the force, and the copiousness of useful precepts. It were to be wished, continues he, that the aid of Panætius had not been wanting to Cicero in this third book likewise.

To do any thing *suo Marte*, is to accomplish it without any foreign assistance, or by one's own proper power.

11. Collatinus was expelled because he was of the name and family of Tarquinius Superbus. This was a ridiculous measure. There might, however, be circumstances in rude times which in some measure could justify it.

12. This is a pleasant and just observation upon the conduct of the man, and with the leave of the God. Romulus was a man, and not a good man while on earth, and, after death, rose to the honours of a God. How few nations or sects have made goodness a passport to heaven!

13. This

13. This is the celebrated Stoic. None of his numerous works remain, except extracts from them preserved by the Roman writers.

14. There is here in the text an enumeration of particulars, which we have omitted in the translation. The maxim is abundantly plain without the examples: and this was the cause of the omission.

15. To confound the Deity in this manner with the human mind, is certainly not increasing, but diminishing, the sanctity of an oath.

16. This is a very rare species of conduct for a tyrant to exhibit. There was hope of such a man as this: — *Tyrannus* was sometimes used in a good sense:

17. The operation upon the thumbs of the unfortunate *Æginetæ*, mentioned at the beginning of the chapter, was most wantonly and despicably cruel. We suppose it was intended to prevent the poor islanders from the use of the oar.

" M. Junius Pennus, a tribune of the people about the year of Rome 657. It is quoted by some under the name of Lex Petronia."

" C. Papius, tribune of the people, A. U. C. 688. two years before Cicero was consul." *Cockman.*

18. Træfene was a city of Peloponnesus, then in alliance with the Athenians. The Athenian fleet must either have been enormous, or the number of inhabitants small, if all of them, except their wives and children, went aboard.

19. " It is probable that he means those of Marfeilles and king Deiotarus; whom Cæsar either deprived of their liberty, or made pay great sums of money, for taking part with Pompey in the civil war." *Cockman.*

20. There is no end of cases of this kind. A number of circumstances might occur, were such a case really to happen, which would render it no difficult matter to determine the question. When men sit down to frame casuistical problems, or cases of conscience, they have seldom failed to produce topics of everlasting disputation. When it is enquired what is the fact in real

real life, we believe that few, if any, such instances ever occur; and, when they do occur, the difficulty is produced either by perverted ingenuity, or occasioned by the want of due information.

21. No man can be at a loss to decide upon this case, Pythius must have been one of the most despicable among mankind.

22. *Facere nomina*, was "to give security for payment, by subscribing the sum in a banker's book."

Adam's Antiq.

23. Aquillius was Cicero's colleague in the prætorship. It would appear there could be no action instituted against any man before this time for frauds of the kind here mentioned. The Roman law before this period seems to have been very defective.

24. If a man use any property with the sincere persuasion that it is his own, and without the imputation of culpable ignorance, he is said to do so *ex bonâ fide*; and so in all other cases.

25. At marriage, the wife's dowry became the property of her husband: but if a divorce took place afterwards through the misconduct of the husband, justice and equity required that the dowry should be restored to the wife; if it arose from her misconduct, she lost her dowry. This was said to be done *melius æquius*; and so in all similar cases.

If a man buys or receives any thing for another, but takes it in his own name, and afterwards delivers it up to the person for whom it was intended; this was said to be *inter bonos bene agier*, or *agi*; and so in all similar cases.

26. This was very generous conduct; and, did the world consist in general of honest men, this example no doubt ought to be universally followed.—A thousand sestericii amounted to somewhat more than eight pounds sterling.

27. All the works of Hecaton are lost. He is mentioned again in the 23d chapter of this book.

28. The

28. The arbiter was a Roman judge who decided differences upon the principles of equity.—Cato's sentence was well founded.

29. Reparation, in cases of this kind, were obtained, if slaves were sold as possessing qualifications which the seller, who was presumed to be fully acquainted with them, knew not to be real or true.—Cases of this nature fell within the province of the ædiles.

An heir newly come to the possession of an estate, was not presumed to know whether slaves were healthy, &c.

30. This is thought to refer to the infamous proceedings in the time of the civil war between Cæsar and Pompey.

31. Of the opprobrium annexed to dancing or singing in any public place or street, we took notice in a former note.

The following is Cockman's note upon this passage.

"Dancing was esteemed but a scandalous practice, and

"unbecoming a sober and prudent person, among the

“ Romans: wherefore our author tells us, in his oration for Muræna, (ch. 6.) no body almost dances unless he be drunk or mad; and calls it *omnium vitiorum extremum*, a vice that no one would be guilty of till he had utterly abandoned all virtue; and *umbra luxuriæ*, that which follows riot and debauchery, as the shadow follows the body. The meaning, therefore, of this place, is, that Crassus would not stick at the basest actions, if he could but fill his coffers by them.”

32. This was Pompey, who married Julia, Cæsar's daughter.

33. Bishop Pearce very justly suspects that this is not the true reading; and proposes, instead of Euripides, to substitute *noster*, meaning Cæsar.—It was the business of Euripides, as the author of the *Phœnissæ*, to represent with propriety the character of Eteocles, whatever it might be. A criticism of the kind here given, is quite absurd, and contrary to what Cicero himself elsewhere teaches.

34. This was J. Cæsar.

35. Commentators have differed about the reading of this sentence. The meaning, however, according to all of them, is clear and excellent.

36. This was an antient Roman tragic poet.

37. This was Cæsar.

38. We disapprove of this mode of thinking, for reasons already given. Assassination cannot be justified.

39. These are said to have been cities or states of Asia wrested from Mithridates by the Romans, and restored by Sylla upon paying a sum of money.—The faith of pirates was certainly better than that of the senate in the case mentioned; because pirates dismiss their captives, when ransomed, without any farther claims.

40. The common reading of this sentence has not found favour with the learned. The latter part ought

to have been translated thus: "rather than to say it was useful", &c. leaving out the "not".—The *jus civitatis* was the subject of the petition.

41. This is the same person mentioned chap. 15.

42. Cicero ought to have said, "With the latter I entirely agree." To deceive because one is deceived, is monstrous morality.

43. This case does not seem to teach any thing, except that the doctor ought to have been severely chastised for behaving so.

44. This is a ridiculous case. It is really not worth serious consideration.

45. Sol's promise was such as no prudent man would have either made or required; and therefore no moral inference can be deduced from it but this, that both the father and the son were extremely foolish.

46. If by the term, *barbarians*, which the Romans applied so universally, was intended what the word im-

plies

plies in English, it conveys no very favourable idea of their liberality of sentiment. The truth probably is, that the word having crept into use in rude times, had been continued by custom, though changed in signification.

47. Some have thought that this whole story of Regulus is fabulous; particularly as Polybius and others have passed it over in silence. This opinion seems to be very much favoured by circumstances in the narrative.

48. His affection for his country, his friends, or his family, may not have been great. Many have sacrificed the dearest interests of one, or all of them, to vanity, caprice, or folly.

49. How utility is not so splendid as necessary, will certainly not appear from the reasons here mentioned.

50. This, beyond all question, is a groundless, as well as a pernicious, notion of the Deity. What kind of being would that be, who delighted in goodness, and yet had no aversion to vice; or who was equally indifferent to either? Such a being as this could not be the maker

maker of this world, or any world in which there existed moral distinctions. Nothing can account for this nonsense, but the ignorance and absurdity of the ancients upon the subject of natural religion.

51. "The force of this argument," says Cockman, "is, men are not obliged to keep their oaths to deceivers and treacherous people; and such the Carthaginians were; therefore Regulus needed not to have kept his oath to them."

With all deference to Cicero and Cockman, we think this very exceptionable morality. If a man were to be bound only in those cases in which he conceived the other party honest, very few promises would be performed. This kind of system would put an end to the confidence, as well as the performance, of promises.

52. This is from the tragedy of Atreus, by Accius; and is alluded to in the preceding note.

53. This is very loose morality truly. When once mental reservations and iniquitous distinctions of this nature are admitted and practised, oaths are useless.—

The words quoted from Euripides, at the beginning of
the

the next sentence, can only be tolerated from the mouth of a scoundrel.

54. "He made the first shameful treaty with the Numantians; but, by his interest and entreaties, escaped being delivered up to them. He was the first of the Pompeys that ever was consul." *Cockman.*

55. From this circumstance, it appears, that, in the days of Regulus, the Romans held sound principles upon the subject of oaths. If Cicero's doctrines were generally received in his own times, his countrymen were sadly degenerated; and nothing else could be expected from such men, but to become the tools or the slaves of profligate or designing men.

56. "The commons thinking they were oppressed by the nobles, raised a sedition; and retiring to a place called *Sacer Mons*, refused to return till such and such privileges were granted them by the senate. The laws made on that occasion were called *Sacratae*." See Liv. & Paul. Manut.—*Cockman.*

57. See the Roman history.

58. "His

58. "His son fought a single combat with Geminus Metius, a stout Latin, and overcame him; but because he did it without leave from him who was general, he commanded his head to be cut off for his breach of military discipline: hence *Manliana imperia* used to signify any unnatural rigour and barbarity,"—*Cockman*.

59. It is not agreed among commentators who this *Acilius* was.

60. Metrodorus was the disciple and friend of Epicurus. In spite of the obloquy to which the sect was exposed, he maintained the doctrines of his master with great intrepidity.

61. If our author had here said, that all irregular or intemperate pleasure is contrary to virtue, his assertion would have been understood and approved; but to maintain that all pleasure is so, certainly is what no man in his sober senses can understand or admit.—No wonder the Epicurean doctrines were so unjustly calumniated,

calumniated, when a man of Cicero's authority misrepresented and abused them so grossly.

62. If the word *pleasure* be not here understood in a bad sense, this answer is quite insufferable.

63. This is surely asserting, or at least admitting, what he so lately denied. Nothing can account for this inconsistency, but the belief that Cicero harboured groundless and inexcusable prejudices against the system of Epicurus.

64. He makes mention of this in his First Philippic, and in his Letters to Atticus.

End of the Notes and Observations.

